

Agenda

Environmental Protection Commission

July 21, 1997

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

PUBLIC PARTICIPATION

10:30 A.M.

APPOINTMENTS: John Adam (Item #19)
Somnath Dasgupta (UNI)
Linda King (DED)
John Klaus - (Item #18) - Contested Case Appeal - City of Ames

2:00 p.m.
11:00 A.M.
11:15 A.M.
1:00 p.m.

Agenda topics

1. Approve Agenda
2. Approve Minutes of June 16, 1997
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Budget Development Information Stan Kuhn (Information)
6. Landfill Alternatives Financial Assistance Applications Received Teresa Hay (Information)
7. Food Waste Database Development Contract Teresa Hay (Information)
8. Midwest Low Level Radioactive Waste Compact Update Teresa Hay (Information)
9. Waste Tire Management County Grant Program Contracts Teresa Hay (Decision)
10. Statewide Waste Characterization Study Contract Teresa Hay (Decision)
11. Toxic Cleanup Days Contract Amendment Teresa Hay (Decision)
12. Monthly Reports Allan Stokes (Information)
13. Contract for Voluntary State Operating Permits for Air Emission Sources Allan Stokes (Decision)
14. Proposed Rule--Chapter 44, Drinking Water Revolving Fund Allan Stokes (Information)

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15.	Proposed Rule--Chapter 50, 51, and 52, Agricultural Drainage Wells	Allan Stokes (Information)
16.	Notice of Intended Action--Chapter 65, Animal Feeding Operations	Allan Stokes (Decision)
17.	Petition for Declaratory Ruling--Richard A. Girres	Allan Stokes (Decision)
18.	Proposed Contested Case Appeal--City of Ames and WPC Department	Allan Stokes (Decision)
19.	Referrals to the Attorney General	Allan Stokes (Decision)
	a) John Adam (Keokuk County)	
20.	Land Application Briefing	Allan Stokes (Information)
21.	General Discussion	
22.	Address Items for Next Meeting	
Next Meeting Dates		
August 18, 1997		
September 15, 1997		
October 20, 1997		

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 21, 1997

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Lyle + Gloria Goll	self	Klemme
Roy Overton	Frank Walton League	Des Moines
STEVE BUYER	IES	Cedar Rpt.
Kenneth Brooks	Self	Story City
Perry Beeman	DM Register	Des Moines
Jane McAulister	Ankers Law Firm	Des Moines
Melene Mcke	Farmers Union	Clarion
Sharon Hill	" "	"
Myron Hill	" "	"
Debbie Neustadt	Sierra Club	Des Moines
BETH SHONTS	METRO WASTE AUTHORITY	DES MOINES
Deborah Schmudlach	Brown Winick Law Firm	"
Dale Johnson	Iowa Farm Bureau	
Jane Clark	DM Audubon	DM
Kristie Hirschman	Citizens Aide/Ombudsman	Des Moines
Stewart Melvin	FSC/AACO	Ames
Snida King	IDED	Des Moines
Susan Heathcote	Iowa Environmental Council	Des Moines

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 21, 1997

NAME

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CITY

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PAUL VENNIR

BREDA

Avon Heley Lehman

Eugenia Herndon

IDED

DSM

Waynard Jayne

ICA

Ames

DANNY VEST

GROWMARK, INC.

BLOOMINGTON, IL.

JEAN TROBE

GROWMARK, INC.

BLOOMINGTON, IL.

Lindsay Lison

Jefferson Ia.

James Lemons

Brown Engr.

DSM

JERRY FLEBLE

BIRP

Waterloo

Helen F. Maher

Sun Club

DSM

Regina Thirry

~~IC~~

Waterloo

Richard Kelley

UHL

DSM

Jeff Schrell

IBPA

DSM

Elton McAfee

Bering Law Firm

DSM

Chris Gault

Farm Bureau

WDSM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 21, 1997

NAME

COMPANY OR AGENCY

CITY

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SOMNATH DASGUPTA	UNI	Cedar Falls
KERMIT MISKELL	FARMER	STORY CITY
Emily Mize	100th Green Butterfly	Ames
Parisa Taravati	100th Green Butterfly	Ames
NISHANT PRASAD	"	"
Debra Peterson	"	"
Hal Morton	Des Moines Co. Reg'l Solid Waste Comm	Burlington
Tiffany Webber	Radio Iowa	Des Moines
JACK HUNT	I.L.N.S.	Des Moines
Kathleen Malveria	Lee News	QU
John Klans	City of Ames	Ames
Tom Neumann	"	"
Steve Schoedel	"	"
MARK Q FRIEDOC	Iowa Poultry Assoc	"
Scott Youns	Boxan Cave	KC
Mary Bram	House D's	
Carlann Jensen	Senate R's	
Blaine Kellier	O.P.E. & Farmers Union	Clarion

ENVIRONMENTAL PROTECTION COMMISSION

Monday, July 21, 1997

NAME

COMPANY OR AGENCY

CITY

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John L. Adam
capt mby

Richland, Iowa
CFB

1997 EPC
RECORD COPY
File Name ADM-1-1-1
Senders Initials JH
July Meeting

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JULY 21, 1997

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, July 21, 1997, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm, Chair
Randal Giannetto
Rozanne King
Dean McWilliams
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - John Klaus (Ames Contested Case Appeal) 1:00 p.m.
- Add: Appointment - John Adam (Referral to A.G.) 2.00 p.m.

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Dean McWilliams to approve the meeting minutes of June 16, 1997, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, noted that a brochure was placed at each Commissioner's table about an upcoming conference entitled "Sustainable Communities Midwest Conference - New

Opportunities for Achieving Sustainability.” The conference is scheduled to be held on September 15-16, 1997, at Hotel Fort Des Moines.

Director Wilson mentioned that Al Stokes has been involved in a national pork dialogue effort and the third meeting of the group was held in Des Moines last week. He related that this is a good effort to get interest groups together to discuss problems and solutions, adding that they are expected to complete their work by the end of the year.

Director Wilson informed the Commission that they will hear about the budget today pertaining to finishing up the FY 97 budget, placing the FY 98 budget in place to begin operations, and preparing the FY 99 budget. He told the Commission to contact him or Stan Kuhn on any items or questions about the budget. He noted that there is a newspaper story forthcoming about the use of cell phones in state government and the DNR will be one of the top users. He related that each of the conservation officers have a cell phone for the purpose of improving customer service. The department's construction engineers and inspectors are also equipped with a cell phone.

Director Wilson commented that the Commission might hear about the by-pass road project near Eddyville and noted that the preliminary work overlooked the presence of threatened and endangered species. He related that the department will be looking at the best way to protect all species and mitigate to avoid problems.

Discussion followed regarding the condition of, and lack of funding for national parks as well as state parks. Director Wilson noted that Iowa has 13 million visitor days per year for the 85 state parks in Iowa. He expanded on actions taken to repair the old CCC structures and to make renovations at some of the parks. He added that camping receipts are very important to the state parks budget.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Staff is preparing a 6/30/97 status report based on actual expenditures through the end of June, and an estimate of remaining FY97 expenditures which will be paid between 7/1/97 and 8/31/97.

This report will include the FY98 budget, including a summary of FY98 appropriation actions. This will be presented at the bureau or program level. Special programs will also be included. Staff expects to have this report completed by July 11th. It will be provided to the commissioners separately. Presentation at the EPC meeting will include an overview of major FY98 changes or issues.

Per the EPC item brief, attached is a financial status report as of the end of June. This report is a building block toward presentation of the staff recommendation for the FY99/2000 budget request to be presented to both commissions at the August meeting with final approval anticipated at the September meeting. The report contains the following information.

Appropriation Summary: This page reflects appropriation action by the 1997 G.A., and estimates for key permanent appropriations for Fish and Wildlife capitals and the Groundwater program. ~~The General Fund and Fish and Wildlife operations appropriations include salary adjustments.~~

Operations Summary: Pages 2 through 9 reflect division operating budgets at the bureau or program levels. FY97 amounts are estimated based on actual status as of 6/30, plus an estimate of FY97 bills to be paid. The FY98 budget reflects 1997 G.A. appropriation action plus estimated receipts and grants.

Groundwater Program: Page 10 shows the Groundwater program status by account title. Depending on the account the balance carried forward to FY98 may or may not be obligated through contracts or grants.

REAP: Page 11 shows the REAP program status by account title. Depending on the account the balance carried forward to FY98 may or may not be obligated through contracts or grants.

Water Protection Fund: Page 12 shows separate detail about the Water Protection Fund. As a practical matter, the "expenditures" from this fund are to the EPD division for the Water Supply program. The separate "fund" allows unused funds to be carried forward instead of reverting.

Waste Tire Fund: This fund, page 12, was established by the 1996 G.A. Operating "expenses" are transferred to the WMA budget. Other expenditures, grants and incentives, are expended directly from this fund.

Other "Funds": Page 13 lists other "funds" established by Code. For the most part, receipts are transferred from and expended within the programs shown on previous pages. Of particular interest during the process of building DNR's budget request are the carryforward balances. Use of these balances are governed by related Code or federal requirements. In some instances, the carryforward balances may represent the possibility of more aggressive use of these funds.

Fish and Wildlife Trust Fund: This is a constitutional fund restricted for fish and wildlife purposes. Typical annual expenditures are about \$26 million. Anticipated expenditures are

beginning to exceed annual revenues. However, no fee increase should be necessary during this budget cycle.

Condition 5 Funds: These revenues arise from lease income under agreements with the Army Corps. Revenues can be used only for wildlife purposes at the specific reservoir. The estimated expenses generally involve transfers to fish and wildlife operations. Revenues in excess of that needed for operations can be used for capital improvements.

Snowmobile Registration: These funds are collected on a biennial basis. Revenues are split 50/50 for State and local programs. Average annual expenses are about \$350,000, including \$100,000 for Conservation Enforcement. The level of local program expenditures are a function of snowfall.

ATV Registration: These funds are earmarked for ATV safety and recreational purposes. Compared to annual activity, the carryforward balance is substantial.

Boat Registration: These fees are earmarked for boating administration, water safety and enforcement of navigation laws. They are collected on a biennial basis, with average annual revenue of approximately \$1.3 million. Currently, the appropriation Act authorizes transfer of \$1,350,000 to Fish and Wildlife for boating law enforcement and safety. The biannual registration cycle was just completed in May-June 1997. Thus, the balance is high. While the average annual income approximates the average annual expenditure, the "cash in-flow" occurs approximately a year and a half ahead of expenditure.

Oil Overcharge Funds: These are used by the Energy Bureau. Use is governed by a separate appropriation Act and the Energy Fund Disbursement Council.

Hazardous Waste Remedial Fund: This fund is, in essence, an emergency reserve for quick response to environmental damage when no other source of money is available. Recent examples include new water wells at Decorah, cleanup of toxin contaminated corn, and cleanup of chemicals deliberately dumped on a State inspector's lawn. For the past two years, the G.A. has appropriated about \$430,000 annually for the State's share of the Air Quality program from this source in lieu of general funds recommended by the DNR. Revenues arise from hazardous waste fees and occasional court settlements. Depletion of this fund for Air or other purposes will limit the State's ability to respond to future contamination situations.

Groundwater Fund: See detail on page 10.

REAP Fund: See detail on page 11. This will also be incorporated in the forthcoming update of the DNR's 5 year capital plan.

Waste Volume Reduction Fund: Receipts to this fund can be used to support a variety of Waste Reduction initiatives.

Air Contaminant Source Fund: Otherwise known as Air Toxics or Air Emissions fees, these are the tonnage fees authorized to support a large part of the Air program. The 6/30/97 balance represents about \$2 million carryforward, plus new fees for FY98 received in June.

Groundwater Professional Registration Fees: These fees support the registration of Groundwater Professionals administered under contract by a separate entity.

Stormwater Permit Fees: These fees support the Stormwater Permit activity within the EPD. The accumulated balance is considerably in excess of currently annual expenditures. The recent audit report questioned whether the fee levels are appropriate.

Operator, Well-Driller and Laboratory Certification Fees: These fees are expended directly and through operations within EPD, including indirect support of the License bureau, for management of these certificate programs.

Water Quality Protection Fund: See detail on page 12.

Tire Fund: See Detail on page 12.

Pilot Grove: This fund consists of an bequest to the State to pay for management and improvements to the Pilot Grove State preserve.

Conservation Memorial Trust: This fund is a vehicle to accumulate non-specific memorials for conservation purposes. Proceeds are used to aid the purchase of land at the Loess Hills State Forest. Donors will be recognized in the forthcoming Loess Hills visitor center.

Missouri River Land Acquisition: This fund is a result of District Court approval of a land settlement and exchange along the Missouri River near Council Bluffs. Funds are earmarked for land acquisition to be used for conservation purposes from willing sellers along the Missouri River.

This report provides revenue and expenditure history as information for considering the DNR's FY99/2000 budget request. Staff intends to present a preliminary budget request to the commissions at the August meetings. Final consideration and approval will occur at the September meetings.

**DEPARTMENT OF NATURAL RESOURCES
APPROPRIATION REQUEST SUMMARY**

Appropriation Name	FY Actual	96 FY Actual	97 FY Actual	98 FY Request	99 FY Request	00
General Fund Operations	12,272,240	12,928,185	14,414,690			
REAP	8,000,000	9,000,000	9,000,000			
Marine Fuel Tax Operations	411,311	411,311	411,311			
Marine Fuel Tax Capitals	1,600,000	1,800,000	1,800,000			
Marine Fuel Tax County Grants	200,000	0	0			
Water Quality Protection	404,000	729,000	729,000			
Lewis and Clark Rural Water System	0	0	15,000			
State Voluntary Clean-up Program	0	0	65,000			
Total General Fund Appropriations	22,887,551	24,868,496	26,435,001	0	0	
Other Appropriations						
Fish and Wildlife Operations	20,898,351	21,888,693	22,758,029			
Fish and Wildlife Capitals	4,507,002	5,000,000	5,000,000			
Park Facility Restoration	3,000,000	3,000,000	3,000,000			
Groundwater Fund	11,442,034	11,661,323	11,600,000	11,600,000	11,600,000	
Oil Overcharge	1,460,000	1,115,000	1,065,000			
UST Administration Match	75,000	75,000	75,000			
Snowmobile Fee Transfer to FW	100,000	100,000	100,000			
Boat Registration Fee Transfer to FW	1,200,000	1,300,000	1,350,000			
Appropriation to USDA	0	50,000	0	0	0	
Total Other Appropriations	42,682,387	44,190,016	44,948,029	11,600,000	11,600,000	
Total Appropriations	65,569,938	69,058,512	71,383,030	11,600,000	11,600,000	
Staffing Budgeted FTE	971	999	1005			
Staffing Actual FTE	938	951				

DEPARTMENT OF NATURAL RESOURCES
Division Operations, FY97/8 Budget Request

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Director's Office:					
Source of Funds:					
General Fund	445,586	499,230	530,000	706,902	
Fish & Wildlife Trust Fund	284,404	292,244	283,643	291,050	
Federal Indirect & Grants	366,501	320,983	400,000	431,244	
Other, Receipts, Indirect	523,283	559,772	670,357	623,780	
Total Sources	1,619,774	1,672,229	1,884,000	2,052,976	
Uses of Funds:					
Directors Office	314,845	315,293	350,000	276,371	
Permit Team	0	0	72,000	191,045	
REAP Congress	11,000	11,338	73,000	68,100	
Policy Coordination	85,034	86,989	39,000	95,555	
Information and Education	1,208,895	1,258,609	1,350,000	1,421,905	
	1,619,774	1,672,229	1,884,000	2,052,976	
	0	0	0	0	
Staffing Budget	20.40 FTE	20.40 FTE	26.15 FTE	24.15 FTE	
Staffing, Actual	20.97 FTE	20.19 FTE	21.36 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Administrative Services Division:					
Sources of Funds:					
General Fund	1,353,590	1,305,052	1,163,252	1,346,162	
Fish & Wildlife Trust Fund	1,927,564	1,877,633	2,053,938	1,996,648	
Federal Indirect	665,843	592,925	650,000	728,965	
Other, Receipts, Indirect	1,169,128	1,254,076	1,547,810	1,532,863	
	5,116,125	5,029,686	5,415,000	5,604,638	
Uses of Funds:					
Budget and Grants	364,867	362,496	370,000	354,057	
Central Indirect and Workers Comp	94,669	104,093	105,000	245,752	
Finance	827,899	786,498	790,000	876,116	
Administrative Support	1,465,239	1,397,992	1,400,000	1,496,590	
Data Processing	636,799	659,335	670,000	772,348	
Licensing	311,948	311,336	400,000	322,657	
Construction Services	845,662	813,135	1,050,000	927,796	
Land Acquisition	469,018	462,559	470,000	497,170	
Division Management & misc.	100,024	132,242	160,000	112,152	
	5,116,125	5,029,686	5,415,000	5,604,638	
	0	0	0	0	
Staffing Budget	93.10 FTE	93.10 FTE	93.10 FTE	93.10 FTE	
Staffing Actual	92.06 FTE	88.86 FTE	89.22 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/0 Request
Parks, Preserves & Rec. Division:					
Sources of Funds:					
General Fund	6,223,882	5,616,238	5,878,408	5,971,364	
Marine Fuel Tax	411,311	411,311	411,311	411,311	
Conservation Fund	2,287,550	2,509,269	2,664,046	2,576,000	
Federal and State Grants	199,355	26,860	65,000	85,851	
Cedar Rock Trust	134,617	131,682	140,000	138,098	
REAP Land Mgt	43,135	25,126	15,000	13,517	
	<u>9,299,850</u>	<u>8,720,486</u>	<u>9,173,765</u>	<u>9,196,141</u>	
Uses of Funds:					
Parks Management	8,192,545	7,726,958	8,194,068	8,134,006	
Recreational Program Development	605,994	692,693	650,000	672,777	
Preserves Grant Programs	19,557	8,893	0	30,570	
Trail Development	209,750	45,323	69,197	72,017	
Cedar Rock Trust	134,617	131,682	140,000	138,098	
Division Management	137,387	114,937	120,000	118,673	
State Revolving Fund Loan Repayment	0	0	500	30,000	
	<u>9,299,850</u>	<u>8,720,486</u>	<u>9,173,765</u>	<u>9,196,141</u>	
	0	0	0	0	
Staffing Budget	195.73 FTE	195.73 FTE	195.73 FTE	195.73 FTE	
Staffing Actual	210.31 FTE	198.27 FTE	199.19 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Forests & Forestry Division:					
Sources of Funds:					
General Fund	1,654,349	1,414,563	1,611,908	1,639,497	
Federal	475,511	419,236	457,936	455,000	
Conservation Fund	621,497	744,184	696,000	745,000	
Other	1,318	44,594	32,000	30,000	
	<u>2,752,675</u>	<u>2,622,577</u>	<u>2,797,844</u>	<u>2,869,497</u>	
Uses of Funds:					
Nursery Management	545,298	509,343	532,844	560,071	
State Forest Area Operations	1,040,355	966,285	1,050,000	1,062,998	
Forestry Landowner Services	1,040,259	1,046,845	1,100,000	1,129,002	
Division Management	126,763	100,104	115,000	117,426	
	<u>2,752,675</u>	<u>2,622,577</u>	<u>2,797,844</u>	<u>2,869,497</u>	
	0	0	0	0	
Staffing Budget	48.71 FTE	48.71 FTE	48.71 FTE	48.71 FTE	
Staffing Actual	45.61 FTE	46.56 FTE	44.18 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Energy & Geo. Resources Division:					
Sources of Funds:					
General Fund	1,674,545	1,645,113	1,673,345	1,766,685	
Federal	1,288,679	1,171,787	1,200,000	2,047,469	
Oil Overcharge	284,479	254,372	275,000	442,055	
Groundwater	246,820	239,833	225,000	233,516	
SIFIC	151,624	161,417	245,000	257,337	
Fees	57,443	174,014	91,985	37,000	
Other	58,118	149,844	95,000	283,429	
	<u>3,761,708</u>	<u>3,796,380</u>	<u>3,805,330</u>	<u>5,067,491</u>	
Uses of Funds:					
Energy Management	1,605,258	1,562,136	1,600,330	2,344,923	
Geological Services	2,066,691	2,138,092	2,100,000	2,623,508	
Division Management	89,759	96,152	105,000	99,060	
	<u>3,761,708</u>	<u>3,796,380</u>	<u>3,805,330</u>	<u>5,067,491</u>	
	0	0	0	0	
Staffing Budget	52.00 FTE	52.00 FTE	52.00 FTE	52.00 FTE	
Staffing Actual	48.90 FTE	49.55 FTE	49.29 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Environmental Protection Division:					
Sources of Funds:					
General Fund	1,929,730	1,670,995	2,087,069	2,984,080	
Federal	7,203,640	6,900,329	7,500,000	6,753,197	
Groundwater	1,125,106	1,363,550	1,500,000	1,685,012	
Fees	179,641	242,736	300,000	575,378	
Water Protection Fund	473,739	675,150	600,000	1,111,831	
Title V Fees	2,218,472	4,699,185	6,000,000	6,072,141	
Hazardous Waste Remedial Fund	93,175	78,748	510,000	521,814	
Tank Insurance Fund Approp	75,000	75,000	75,000	75,000	
BrownFields Appropriation	0	0	0	65,000	
Other	0	0	11,000	74,835	
	<u>13,298,503</u>	<u>15,705,693</u>	<u>18,583,069</u>	<u>19,918,288</u>	
Uses of Funds:					
Water Quality Bureau	3,987,887	4,644,833	5,008,069	5,199,590	
Air Quality Bureau	2,869,920	5,029,888	6,500,000	6,585,727	
Land Quality Bureau	2,277,201	2,003,141	2,400,000	2,988,293	
Compliance and Enf. Bureau	3,624,968	3,937,027	4,500,000	4,949,655	
Division Management	538,527	90,804	175,000	195,023	
	<u>13,298,503</u>	<u>15,705,693</u>	<u>18,583,069</u>	<u>19,918,288</u>	
	0	0	0	0	
Staffing Budget	183.00 FTE	206.00 FTE	223.50 FTE	229.50 FTE	
Staffing Actual	162.71 FTE	182.27 FTE	198.66 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Fish & Wildlife Division:					
Sources of Funds:					
Balance Fwd	4,047,266	4,288,550	5,448,170	4,300,000	2,731,971
Federal	6,925,637	6,232,082	5,430,000	5,600,000	
Transfers, Boat & Snowm. Fees	1,671,590	1,300,000	1,400,000	1,450,000	
Licenses & Receipts	18,753,502	19,026,942	19,709,160	19,140,000	
	<u>31,397,995</u>	<u>30,847,574</u>	<u>31,987,330</u>	<u>30,490,000</u>	
Summary of Uses:					
Expenditures & Transfers					
FW Capitals, (See 5yr Plan)	5,718,150	4,501,053	5,800,000	5,000,000	
Admin. & Services Support, See Director's Office/ASD	2,211,968	2,169,877	2,337,581	2,287,698	
FW Division Operations:					
Transfer from Trust Fund Receipts, per Appropriation	19,179,327	18,728,474	19,549,749	20,470,331	
Federal Reservoir Receipts	213,756	274,920	238,256	291,397	
Available for Operations	<u>19,393,083</u>	<u>19,003,394</u>	<u>19,788,005</u>	<u>20,761,728</u>	
	0	0	0	0	
Uses of Funds:					
Law Enforcement	6,826,890	6,295,222	6,796,005	6,880,355	
Fisheries Management	5,632,076	5,682,830	6,000,000	6,200,217	
Wildlife Management	6,579,021	6,680,464	6,642,000	7,205,059	
Division Management	355,096	344,878	350,000	476,097	
	<u>19,393,083</u>	<u>19,003,394</u>	<u>19,788,005</u>	<u>20,761,728</u>	
	0	0	0	0	
Staffing Budget	338.93 FTE	340.93 FTE	342.18 FTE	344.18 FTE	
Staffing Actual	332.87 FTE	335.11 FTE	339.27 FTE		

	FY95 Actual	FY96 Actual	FY97 Estimated	FY98 Budget	FY99/00 Request
Waste Mngt. Assistance Division:					
Sources of Funds:					
Groundwater Fund Transfers	825,668	891,647	970,000	1,540,586	961,572
Federal	73,488	70,216	70,000	123,300	
Waste Volume Reduction Fund	132,263	124,986	145,000	30,653	
Waste Tire Program	0	0	40,000	50,188	
Other	2,130	0	4,000	1,500	
	<u>1,033,549</u>	<u>1,086,849</u>	<u>1,229,000</u>	<u>1,746,227</u>	
Uses of Funds:					
Planning and Grants	191,045	202,211	313,000	437,492	
Waste Reduction and Recycling	320,865	351,415	335,000	597,685	
Waste Reduction Assistance	334,902	340,381	366,000	466,715	
Division Management	186,737	192,842	215,000	244,335	
	<u>1,033,549</u>	<u>1,086,849</u>	<u>1,229,000</u>	<u>1,746,227</u>	
	0	0	0	0	
Staffing Budget	16.75 FTE	16.75 FTE	17.75 FTE	17.75 FTE	
Staffing Actual	17.12 FTE	17.65 FTE	18.89 FTE		

GROUNDWATER PROTECTION FUND	FY 96 Carry Forward	FY 97 Estimated Revenues	Total Funds Available	FY 97 Estimated Expense	FY 97 Estimated Carry Forward
Storage Tank Administration	\$131,757	\$125,488	\$257,245	\$102,748	\$154,497
Department of Health Transfer	\$0	\$1,000	\$1,000	\$1,000	\$0
Insurance Fund Transfer	\$120	\$423,459	\$423,579	\$421,787	\$1,792
Total Storage Tank Account	\$131,877	\$549,947	\$681,824	\$525,535	\$156,289
Big Springs Study	\$98,930	\$0	\$98,930	\$74,845	\$24,085
DNR General	\$23,044	\$0	\$23,044	\$0	\$23,044
Total Oil Overcharge Account	\$121,974	\$0	\$121,974	\$74,845	\$47,129
HHM Toxic Cleanup Days	\$233,425	\$255,724	\$489,149	\$0	\$489,149
Household Haz. Waste	\$0	\$202,217	\$202,217	\$202,217	\$0
Administration					
Department of Health Transfer	\$0	\$2,000	\$2,000	\$2,000	\$0
Total Household Haz. Waste	\$233,425	\$459,941	\$693,366	\$204,217	\$489,149
Department of Health Transfer	\$0	\$9,000	\$9,000	\$9,000	\$0
Health Center	(\$1,306)	\$332,685	\$331,379	\$331,379	\$0
Leopold Center	(\$7,095)	\$1,293,776	\$1,286,681	\$1,264,000	\$22,681
UHL Regents	(\$871)	\$221,790	\$220,919	\$220,919	\$0
County Grants Administration	\$76,127	\$73,930	\$150,057	\$66,333	\$83,724
Co Grants 35% Well Testing	\$1,310,671	\$1,293,776	\$2,604,447	\$1,279,980	\$1,324,467
Closure					
County Conservation Boards	\$15,109	\$0	\$15,109	\$0	\$15,109
AG Drainage Wells/ Sinkhole	\$613	\$480,545	\$481,158	\$481,158	\$0
Total Agriculture Management	\$1,393,248	\$3,705,502	\$5,098,750	\$3,652,769	\$1,445,981
Solid Waste Administration	\$644,226	\$1,867,861	\$2,512,087	\$1,799,027	\$713,060
Department of Health Transfer	\$0	\$8,000	\$8,000	\$8,000	\$0
Iowa Waste Reduction Center	\$2,264	\$625,287	\$627,551	\$546,000	\$81,551
Landfil Alternatives Grants	\$4,754,953	\$3,713,929	\$8,468,882	\$2,638,315	\$5,830,567
Special Waste Authorization	\$33,394	\$50,000	\$83,394	\$53,264	\$30,130
By-Products and Waste Search	\$130,000	\$65,000	\$195,000	\$0	\$195,000
Services 1					
Sanitary Disposal Grants	\$3,475	\$0	\$3,475	\$0	\$3,475
By-Products and Waste Search	\$168,469	\$254,023	\$422,492	\$221,652	\$200,840
Services 2					
Regional Collection Centers	\$903,682	\$371,264	\$1,274,946	\$782	\$1,274,164
RCC Collection and Transportation	\$519,603	\$117,241	\$636,844	\$0	\$636,844
Toxic Cleanup Days	\$303,809	\$332,184	\$635,993	\$350,937	\$285,056
Buisness Loan Program	\$169,810	\$44,563	\$214,373	\$0	\$214,373
DED Transfer	\$199,095	\$117,241	\$316,336	\$56,000	\$260,336
Waste Reduction and Assistance	\$142,090	\$214,942	\$357,032	\$172,289	\$184,743
Total Solid Waste Account	\$7,974,870	\$7,781,535	\$15,756,405	\$5,846,266	\$9,910,139
Total Groundwater Fund	\$9,855,394	\$12,496,925	\$22,352,319	\$10,303,632	\$12,048,687

RESOURCE ENHANCEMENT AND PROTECTION FUND	FY 96 Carry Forward	FY 97 Estimated Revenues	Total Funds Available	FY 97 Estimated Expense	FY 97 Estimated Carry Forward
RECEIPTS					
Carry Forward	\$9,033,89		\$0 \$9,033,895		
	5				
General Fund	\$0	\$9,000,000	\$9,000,000		
Interest	\$0	\$537,732	\$537,732		
Credit Card/License Plate Receipts	\$0	\$796,138	\$796,138		
Federal Open Spaces	\$0	\$564,478	\$564,478		
Federal Land Management	\$0	\$22,514	\$22,514		
Sales Tax & Refunds Land Mgt Account	\$0	\$727,390	\$727,390		
Private Cost Share Match	\$0	\$69,500	\$69,500		
City Cash Contribution	\$0	\$0	\$0		
Sales Tax & Refunds Open Spaces	\$0	\$7,857	\$7,857		
TOTAL RECEIPTS	\$9,033,89	\$11,725,60	\$20,759,50	\$0	\$0
ACCOUNTS					
Conservation Education Board	\$0	\$350,000	\$350,000	\$350,000	\$0
Administration Fund (1%)	\$0	\$103,339	\$103,339	\$103,339	\$0
Open Spaces (28%)					\$0
DNR Acquisition and Development	\$2,497,81	\$2,923,901	\$5,421,718	\$2,921,718	\$2,500,000
	7				
Protected Waters Areas	\$300,208	\$138,327	\$438,535	\$38,535	\$400,000
75% Match to Privates	\$376,314	\$346,155	\$722,469	\$457,469	\$265,000
County Conservation (20%)					\$0
Equal Per County (30%)	\$1,129	\$592,832	\$593,961	\$593,961	\$0
Per County Based on Population (30%)	\$1,122	\$592,832	\$593,954	\$593,954	\$0
County Conservation Grants (40%)	\$666,861	\$790,443	\$1,457,304	\$782,304	\$675,000
Soil & Water Enhancement (20%)	\$2,770,67	\$1,976,106	\$4,746,783	\$2,046,783	\$2,700,000
	7				
City Park & Recreation (15%)	\$1,061,94	\$1,482,080	\$2,544,025	\$944,025	\$1,600,000
	5				
State Land Management Trust (9%)	\$489,469	\$1,639,152	\$2,128,621	\$2,128,621	\$0
Historical Resource Grant/Loan Fund 5%	\$863,618	\$494,027	\$1,357,645	\$557,645	\$800,000
Living Roadway Trust (3%)	\$4,735	\$296,416	\$301,151	\$301,151	\$0
TOTAL ACCOUNTS	\$9,033,89	\$11,725,61	\$20,759,50	\$11,819,505	\$8,940,000

WATER PROTECTION FUND	FY 96 Carry Forward	FY 97 Estimated Revenues	Total Funds Available	FY 97 Estimated Expense	FY 97 Estimated Carry Forward
RECEIPTS					
Carryover Administration Account	\$472,011	\$0	\$472,011		
Carryover Public Water Supply Account	\$56,753	\$0	\$56,753		
General Fund	\$0	\$729,000	\$729,000		
Fees	\$0	\$345,635	\$345,635		
Interest	\$0	\$66,939	\$66,939		
TOTAL RECEIPTS	\$528,764	\$1,141,574	\$1,670,338		
Administration Account	\$472,011	\$935,287	\$1,407,298	\$407,298	\$1,000,000
Public Water Supply Account	\$56,753	\$206,287	\$263,040	\$163,040	\$100,000
TOTAL ACCOUNTS	\$528,764	\$1,141,574	\$1,670,338	\$570,338	\$1,100,000

WASTE TIRE FUND	FY 96 Carry Forward	FY 97 Estimated Revenues	Total Funds Available	FY 97 Estimated Expense	FY 97 Estimated Carry Forward
RECEIPTS					
Carryover	\$0		\$0		
Fees from Revenue and Finance	\$0	\$1,500,000	\$1,500,000		
Interest	\$0	\$30,000	\$30,000		
TOTAL RECEIPTS	\$0	\$1,530,000	\$1,530,000		
Waste Tire Program	\$0	\$50,000	\$50,000	\$50,000	\$0
Administration					
Tire Grants to Counties	\$0	\$700,000	\$700,000	\$700,000	\$0
Regents Tire Derived Fuel Program	\$0	\$100,000	\$100,000	\$0	\$100,000
Waste Tire Processor Incentive Program	\$0	\$300,000	\$300,000	\$0	\$300,000
Compliance/ Cleanup Program	\$0	\$380,000	\$380,000	\$50,000	\$330,000
TOTAL ACCOUNTS	\$0	\$1,530,000	\$1,530,000	\$800,000	\$730,000

DEPARTMENT OF NATURAL RESOURCES**Revenue Estimates by Fund**

Fund Name	FY 96 Carry Forward	FY 97 Estimated Receipts	Fy 97 Total Funds Available	FY 97 Estimated Expenses	FY 97 Projected Carryforward
Fish and Wildlife Trust Fund	5,448,170	26,539,160	31,987,330	27,687,330	4,300,000
Conservation Fund Parks	0	2,665,000	2,665,000	2,665,000	0
Conservation Fund Forestry	0	696,000	696,000	696,000	0
Administration Fund	0	455,000	455,000	455,000	0
Red Rock Condition 5	312,240	60,000	372,240	110,240	262,000
Rathbun Condition 5	0	25,000	25,000	25,000	0
Coralville Condition 5	65,290	60,000	125,290	35,290	90,000
Saylorville Condition 5	69,515	46,000	115,515	60,515	55,000
Des Moines Corridor Condition 5	1,513	11,000	12,513	7,513	5,000
Snyder Condition 5	42,543	8,957	51,500	0	51,500
Snowmobile Registration	381,356	586,644	968,000	250,000	718,000
ATV Registration	106,263	93,737	200,000	18,000	182,000
Boat Registration	1,580,845	2,242,155	3,823,000	1,460,000	2,363,000
Diamond Shamrock Oil Overcharge	329,066	20,000	349,066	0	349,066
Stripper Oil Overcharge	3,178,489	160,000	3,338,489	1,500,489	1,838,000
Exxon Oil Overcharge	1,338,112	75,000	1,413,112	150,112	1,263,000
Hazardous Waste Remedial Fund	1,363,335	320,000	1,683,335	625,335	1,058,000
Groundwater Fund	9,855,394	12,496,925	22,352,319	10,303,632	12,048,687
REAP Fund	9,033,895	11,725,610	20,759,505	11,819,505	8,940,000
Waste Volume Reduction Fund	117,904	36,096	154,000	154,000	0
Air Contaminant Source Fund	3,845,149	5,500,851	9,346,000	6,000,000	3,346,000
Groundwater Prof Registration Fees	119,770	9,000	128,770	23,770	105,000
Operator Certification Fees	112,238	95,000	207,238	17,238	190,000
Stormwater Permit Fees	852,618	240,000	1,092,618	192,618	900,000
Well Driller Certification Fees	130,601	20,000	150,601	26,601	124,000
Laboratory Certification Fees	110,431	90,000	200,431	90,431	110,000
Water Quality Protection Fund	528,764	1,141,574	1,670,338	570,338	1,100,000
Tire Fund	0	1,530,000	1,530,000	800,000	730,000
Pilot Grove	40,008	2,096	42,104	0	42,104
Conservation Memorial Trust	14,350	0	14,350	0	14,350
Missouri River Land Acquisition	580,554	30,414	610,968	0	610,968
Total	39,558,413	66,981,219	106,539,632	65,743,957	40,795,675

Mr. Kuhn reviewed the division reports noting that he will have to transfer some funds within the agency but overall the department will come out on budget. He explained the summary of special funds and how accounting is structured. He also reviewed the Appropriation Request Summary; FY 97-98 Budget Request; FY 98 Budget; FY 99-00 Request; and Revenue Estimates by Fund.

Discussion followed regarding the term "aggressive use of funds," storm water fees, phasing out the Oil Overcharge Fund, and staffing shortages in some areas.

INFORMATIONAL ONLY

BUDGET DEVELOPMENT INFORMATION

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Staff are completing the FY98 budget and beginning to prepare the FY99/2000 budget request. Staff expect to present the request to both commissions for approval in September. By statute, the request is due at the Department of Management on October 1, 1996.

The DNR's budget includes the following general areas; Operations, Groundwater program; Capitals; and several smaller dedicated programs.

At this juncture, staff anticipates recommending the following additions or changes as compared to FY98 funding levels.

Operations, General Fund Support: The Department of Management issued guidelines for FY99/2000 budget preparation to the effect that agencies not request any increases in General Fund support. The DNR expects to follow that guidelines with the possibility of a few, narrow exceptions.

Air Quality: This program is funded through a combination of air emission fees, federal aid, and an appropriation of \$430,000 from the Hazardous Waste Remedial fund. The DNR requested General Fund support from the 1997 G.A. for program areas not supported by air emissions fees. Instead of General Fund support, the 1997 G.A. continued the past practice of directing use of Hazardous Waste Remedial funds.

Continued use of Hazardous Waste Remedial funds for Air impacts the ability of the State to respond to emergency hazardous waste situations. Industry and Utility representatives believe the use of Air Emission fees for other aspects of the Air Program unfairly places most of the burden of meeting Clean Air standards on business.

Thus, staff expects to present a budget which includes General Fund support of approximately \$600,000 in place of Hazardous Waste funding.

Floodplain Management: Last year, the DNR requested two additional positions to improve agency response time for consideration of Floodplain construction permits, and to increase effort directed at dam safety inspections and floodplain mapping. This was not approved by the 1997 G.A. Staff expects to recommend this program increase again. The options are to continued with the current, limited program, or to support floodplain permit application review with a permit fee.

Parks and Forestry: Maintenance equipment replacement in both divisions has been deferred due to budget limits. The 1997 G.A. included a \$50,000 increase in fund to partially address this concern. Staff intends to actively pursue a heavy equipment rental program. In other words, tractors and mowers would be rented instead of being purchased. This strategy would change equipment budgeting from a variable, infrequent expenditure to a on-going fixed cost.

REAP Appropriation: The FY97 REAP appropriation is \$9 million. The recent REAP Congress recommended an annual appropriation of at least \$20 million. Staff anticipates recommending an appropriation of \$ 9 million.

Marine Fuel Tax Capitals: The FY97 MFT appropriation is \$1.8 million. Staff expects to based capital planning on continuation of a \$1.8 million appropriation level. This appropriation level, plus the \$400,000 appropriated from MFT for parks operations, results in a total annual use about \$300,000 less than MFT revenues. Current unappropriated MFT balance is estimated at \$1.3 million.

Restore the Outdoors: There is \$3 million available from the 1997 G.A. to continue the renovation of Park and Recreation area facilities. Staff expects to continue the renovation program at the \$3 million level.

Wildlife Damage Control: The 1997 G.A. directed the addition of two wildlife biologists, funded with Fish and Wildlife license fees, to work specifically on Wildlife Damage Control initiatives. Staff expects to request funds to continue this effort. \$50,000 was appropriated by the 1997 G.A. from excess lottery receipts to be directed toward the U.S. Department of Agriculture's efforts at wildlife damage control. Staff does not expect to recommend continuation of this appropriation.

Other Programs: The staff anticipates requesting funding to maintain all other programs at existing levels. No increases in license or registration fees is expected. Decision package priorities are expected to be similar to last year's request.

Budgeting for Results: The Department of Management has asked all state agencies to submit supplemental budget information based on the Budgeting for Results (BFR) concept. Briefly, this involves presenting information at the program level, (i.e., Fish Management, Parks Operations, Underground Storage Tank Regulation, etc.). This presentation would focus on program descriptions, and performance (results, activities, accomplishments) data. This BFR

information will be presented to the EPC and NRC at the August meetings, along with the standard (traditional) budget request fiscal data.

Summary: Except as outlined above, staff expects the budget request submitted for consideration of both commissions to be similar to current programs and funding levels. Commissioners desiring specifics or changes should make this known to the Director so that staff has adequate time to respond. Mr. Kuhn noted that the Air Program request would be closer to \$1 million than the \$430,000 estimated in the item brief.

Mr. Kuhn reviewed the FY 99-00 budget request in detail and further discussed the Budgeting for Results concept.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Regina Thiry (Washburn sewer project)

Regina Thiry, Waterloo, gave an update on the Washburn sewer project noting that she was told months ago a wetland would be constructed between the lagoon and her property. She related that to date there are no wetland plans according to the county. She noted that bulldozers are building a lagoon at this point in time. Mrs. Thiry stated that the construction permit for the lagoon expired 4/1/97, and she wrote the DNR on April 8 saying she had additional information to provide to the department for their consideration in reviewing the application for a new construction permit. She related that she did not receive a response until June 6 and it did not give her the instructions she had asked for to provide the additional information. She added that she then received an agenda and letter from Black Hawk County and they had already received the permit. She stated that Black Hawk County sent an application on June 17 for a renewal or extension of the permit and they received it on June 18. She discussed the Certificate of Adequacy of Treatment issue and the department's documentation of authority to issue the certificate, adding that she along with the EPA and EDA does not believe the DNR has the authority to issue it. Mrs. Thiry stated that she was told 14 months ago that their property, Thiry Lake, was in public comment period for Class A Designation and there still is no answer on the results of that public comment period. She related that she is looking for help from the Commission on these issues.

Chairperson Ehm commented that Director Wilson is willing to visit with Mrs. Thiry and give her an update on actions taken by the department to date.

Stewart Melvin (Animal feeding operations rules)

Stewart Melvin, Agriculture Engineer at ISU, stated that he has been working with the AACO group in regard to earthen basins. He related that AACO has recommended options for earthen

basins for use of well drained sites whether you would construct above the water table significant use of the synthetic liner. He added that if there are high water tables present to make sure the minimum elevation of manure in the structure is no more than 12 inches below the monitored groundwater table. He noted that if the water table is in low permeability soils, such as is found in many parts of the state, with a five foot thickness one would be able to construct into those, or use the slurry wall construction techniques. He gave an overhead presentation covering the following topics in added detail: Earthen Basin Leakage; Artificial Lowering of Water Tables; Determining Water Table; Structures Built Below Water Table; Structure Below Maximum Groundwater Elevation; and Lateral Groundwater Movement. He urged the Commission to consider those issues when making their decision on the rules.

Debbie Neustadt (Animal feeding operations rules)

Debbie Neustadt, Sierra Club, spoke in reference to the rules on animal feedlot operations noting that the midwest portion of Sierra Club recently adopted a resolution in favor of a moratorium on construction of anaerobic lagoons. Referring to the proposed rules, she discussed the section dealing with hydrology and building below the water table, trying to manipulate the water table, and trusting a one foot liner to do the job. She noted that a lagoon is based on a 1/16 inch permeability rate and a six foot head of water and asked how often there is actually a six foot head of water in these lagoons. She related that there is very little data available on this. She stated that the Sierra Club is against building any of these structures in the water table. She added that engineers have tried to manipulate the environment for many years on the Colorado, the Mississippi and the Illinois Rivers and there has been environmental damage as a result of it. Ms. Neustadt noted that at times the water is at the surface and there will be groundwater at the surface of the ground occasionally in Iowa. She stated that the liner works if you can control the liner. She urged the Commission not to support any rules in which lagoons are built below the water table.

Blaine Nickles (Animal feeding operations rules)

Blaine Nickles, representing Organization for Protection of the Environment and Wright County Farmers Union, stated that in 1996 the Geological Survey Bureau found that several lagoons were built below the groundwater level and they are a real threat to the state's water supplies. He related that the rules on HF 519 require the removal of tile in and around the earthen manure storage lagoons, but it does not make sense to install tile around a lagoon to lower the groundwater table as it defeats the purpose of removing the tile that is already there. He added that in Wright County it is necessary to install tile to lower the groundwater level to farm the land, so one cannot build earthen lagoons without being into the groundwater level at some time during the year in that area. He stated that his group supports the DNR recommendations for: 1) to not allow earthen manure storage to be built below groundwater level; 2) the requirement for rip-rap to be placed on all of the exposed areas of the lagoon; 3) for concrete specifications for manure storage and feel it should be for all concrete manure storage facilities, not only the permitted ones; and 4) the construction requirements for the thickness of the suitable materials. He noted that in the sand pockets there should be a much thicker clay liner or material.

Susan Heathcote (Animal feeding operations rules)

Susan Heathcote, Research Director for Iowa Environmental Council (IEC), gave an overview of the IEC. She stated that they are concerned about the AACO recommendations that would allow earthen storage lagoons to be built below the water table relating that it would weaken the state's rules in those areas. She stated that in regard to concerns about outward seepage, in building above the water table, there is actually a higher hydraulic head. She noted that the problems occur with the liner integrity, and when the groundwater level is above the base of the lagoon and the lagoon level drops below the groundwater level there will be an inward pressure on the liner. She added that when the level raises again above the level where damage has occurred, there is a risk of outward seepage in the areas where the liner integrity has been compromised. Ms. Heathcote related that once the lagoon level is higher the damage will not be able to be seen and may not be detected during an inspection, even though there could be contamination taking place. She urged the Commission to support the DNR recommendations which would not allow construction of earthen manure storage structures below the water table, and also the recommendation which would not allow mechanical lowering of the water table.

Aaron Heley-Lehman (Animal feeding operations rules)

Aaron Heley-Lehman, Iowa Farmers Union (IFU), stated that in 1996 the results of investigation on 14 lagoons constructed by A.J. DeCoster showed that all were built below the groundwater levels, some as much as 20 feet below. He related that each of the 14 lagoons had serious deposits of sand and serious erosion and there were serious problems with the integrity of the liners of those lagoons. He stated that IFU feel that the concrete standards, the rule proposals for manure application by spray irrigation guns, and the increased standards for earthen manure storage structures are all steps in the right direction. He added that the most important decision is the groundwater level issue and if the rules are weakened to allow below groundwater levels there has to be a pretty high criteria that it is actually going to work. He related that he does not see the data supporting that it has proven results to show it has protected the groundwater. He added that it is a big risk to change the rules to allow building lagoons below the groundwater levels. Mr. Heley-Lehman noted that IFU feel it is very important to not allow mechanical methods for lowering the groundwater levels, adding that they have reservations about artificial lowering of groundwater levels in any case.

Gloria Goll (Animal feeding operations rules)

Gloria Goll, Hancock County, displayed a copy of a permit that was one day away from being issued, which was signed by a licensed engineer who did not actually have his license. She expanded on details of the facility which was to be built one-half mile from her house. She noted that she dug a post hole on a hill close to this site and the water table will run in at three feet. She stated that it would not be safe to ever put a lagoon in at this site. She urged the Commission to follow the DNR recommendations and not weaken the rules.

Dr. Roy Overton (Animal feeding operations rules)

Dr. Roy Overton, affiliated with Izaak Walton League, stated that they do not wish to have the lagoons below the water table and do not feel it is appropriate to try to reduce the water table. He added that those types of interventions by engineering has frequently been fraught with difficulties such as the Missouri River, for example. Dr. Overton noted that they would like to see more private studies done on lagoons that are already in place. He said the sewage should be treated as a resource, not as a pollutant, and should be utilized in an appropriate manner. He related that the storage should fit geological characteristics of the area in which the facility is to be placed. He stated that multiple, congregate feedlots should not be allowed use the same pipes and the same land area for deposit.

Chris Gault (Animal feeding operations rules)

Chris Gault, Iowa Farm Bureau, distributed copies of a summary of the AACO Recommendations. She reviewed the establishment of ACCO and their work up to this point in time. She stated that AACO members met 20 times over a period of five months to arrive at the recommendations last February, and she thanked them for their time and serious discussion of the issues before them. She also thanked the DNR staff and attendees to the meetings. Ms. Gault noted that in listening to the AACO discussions it was discovered that the way groundwater levels were being measured and the performance standards in place would not be enough for future protection of the environment. She related that the proposed rules will make it more costly to replace or to build new facilities, but the new provisions on ag drainage wells and construction standards for concrete and earthen structures are needed to protect water quality and to prevent abuses. Ms. Gault noted that new technology with adequate standards and safeguards should be available to address hydrology and to protect the groundwater. She stated that they hope the AACO recommendations on inspections will be fully implemented by the DNR to achieve compliance with the rules and a working partnership between the DNR and livestock producers. She encouraged the Commission to send the recommendations to public comment.

Kermit Miskell (Animal feeding operations rules)

Kermit Miskell, Story City, spoke about a photo in the Des Moines Register last summer showing a lagoon inside of a pond and related that any type of lagoon to hold hog manure should be above ground in formed storage. He expressed concern with large operations pumping for irrigation and what it is going to do to the aquifer. He noted that he drove to an area where the lagoons were seeping and he called DNR who said the hogs would not be allowed in there until the DNR inspects it. He related that 6,000 hogs were placed in the facility the next day. He spoke of haulers carrying water into the lagoon, and hauling reconstituted water out of the lagoon. In conclusion, he urged the Commission not to vote for anything below the ground.

Appointment - Somnath Dasgupta (UNI Waste Reduction Center)

Somnath Dasgupta, UNI, presented an overview of the Iowa Air Assistance Program for Small Businesses in Iowa. He discussed Section 507 - 1990 Clean Air Act Amendments; Assistance for Small Businesses - Non Regulatory and Free; Permits - Communications/Questions; IAEAP Services; Assistance Tracking; IAEAP Assistance Summary since 1992; and IAEAP Program Highlights - Training.

Appointment - Linda King (Small Business Liaison for Air Quality)

Linda King, Department of Economic Development, stated that she is the Small Business Liaison for Air Quality Affairs (SBLAQ) and works with the Regulatory Assistance Program. She gave an overview of the program and related that she works in tandem with the UNI - IAEAP program, and with DNR. She discussed the following areas: SBLAQ Objectives; the Small Business Regulatory Enforcement Fairness Act; Communications; On Going Projects; and presentations she has given. She distributed a brochure regarding the Clean Air Act and assistance available to small businesses.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE APPLICATIONS RECEIVED

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received twenty-six (26) applications, requesting nearly \$5.9 million in financial assistance, for consideration during the June 1997 round of funding. Approximately \$1.2 million is available to award to selected applicants.

A summary of each application is attached for the Commission's information. Application review is scheduled to be completed by the end of July 1997. It is anticipated that contracts will be presented to the Commission for approval by the September 1997 meeting.

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM**APPLICATIONS RECEIVED -- JUNE 1997**

The following table and project proposal summaries were prepared after a brief review of applications submitted for funding consideration. A total of \$5,863,361 was requested by twenty six (26) applicants. Project summaries identify the amount and type of funding assistance as requested by the applicant. The appropriateness of the type of financial assistance requested (grant vs. loan) is subject to change based on the following:

Projects eligible to receive **grant** assistance include: 1) projects that have public education as the primary focus on such topics as waste reduction and recycling; 2) projects that reduce, avoid or eliminate the generation of solid waste at the source; 3) projects that develop new technologies in managing solid waste; and 4) projects that implement an existing solid waste management technology for the first time in Iowa.

Projects eligible to receive **zero interest loan** assistance include: 1) projects that do not fit in the above project categories; 2) combustion with energy recovery projects; 3) combustion for volume reduction projects; 4) projects

that involve expansions or improvements to an existing facility or operation using existing technologies; and 5) projects that replicate similar projects in Iowa.

Applications Received By Applicant Type	# Received	Request Amount
Local Government	10	\$ 1,830,622
Private For Profit	14	\$ 4,022,390
Private Not For Profit	2	\$ 10,349

Applications Received By Project Type	# Received	Request Amount
Education	4	\$ 451,013
Waste Reduction	3	\$ 254,012
Research and Development or Demonstration	13	\$ 4,065,810
Zero Interest Loan	6	\$ 1,092,526

Application 1:	Landfill of North Iowa 15942 Killdeer Avenue Clear Lake, Iowa 50428	Project Title: Wood Waste Processing Program
Request:	\$230,000 - Grant - R&D/Demo	Contact: Rob Kraemer (515) 357-5452
Applicant:	Local Government	
Description:	Applicant is proposing to eliminate contract grinding services for wood waste by purchasing a wood waste grinder. The existing wood waste processing site would be relocated closer to the active landfill site to facilitate diversion of additional waste wood and enhance the current yard waste composting operation by making additional space available that is now designated for wood waste storage. The applicant currently process 50-60 tons per week but with the project, they estimate that processing of wood waste will increase to 65-85 tons per week. Once ground, the wood waste will be beneficially used on-site for mulch and erosion control. The applicant will also market processed wood as animal bedding and as mulch to the general public. The program will serve all or portions of six counties in north central Iowa. Grant assistance is requested for the purchase of equipment, asphalt and engineering, legal and administrative costs.	

Application 2:	Southwest 8 Senior Services, Inc. 3319 Nebraska Avenue Council Bluffs, Iowa 51501	Project Title: Reusable Meal Tray Program Expansion
Request:	\$3,849 - Grant - Waste Reduction	Contact: Phil Shehi (712) 328-2540
Applicant:	Private Not For Profit	
Description:	Applicant is proposing to expand the use of reusable meal trays at 32 congregate meal sites and one new homebound delivery program in an eight county area in southwest Iowa. The project will divert approximately 1,700 cubic feet/year from the landfill. Grant assistance is requested for reusable meal trays, glasses, cups, bowls and an insulated home meal delivery bag.	

Application 3:	Iowa State University 213 Beardshear Hall Ames, Iowa 50011	Project Title: Fiberboard from Recycled Wood Waste and Agricultural Residues
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Request:	\$166,346 - Grant - R&D/Demo	Contact: Richard Hasbrook (515) 294-5225
Applicant:	Local Government	
Description:	The applicant is proposing to develop the technology and demonstrate the use of wood waste and agricultural residues (i.e., corn stalks and switch grass) in the manufacture of composite wood panels for use in furniture, doors, cupboards, etc. The applicant will also develop soybean based adhesives free of the inherent problems of off-gassing from formaldehyde based adhesives. Upon project conclusion, the technology will be transferred to Bacon Veneer Company with other technology transfer available to other manufacturers of indoor wood furniture products. Grant assistance is requested for wages, equipment, supplies, travel and testing.	

Application 4:	Iowa Valley Community College District 3702 South Center Street Marshalltown, Iowa 50158	
Request:	\$169,913 - Grant - Education	Project Title: Waste Reduction and Recycling Education
Applicant:	Local Government	Contact: Bettie Bolar/Jean Goings (515) 752-4645
Description:	The applicant is proposing to enhance existing solid waste management education activities and develop and implement new education programs to raise awareness and understanding of the need for waste reduction at the source, the value of reuse, recycling and precycling as methods of solid waste management in Hardin and Marshall Counties. Target audiences include all persons from school age to adulthood as well as business and industry. The applicant will work closely with the Iowa Waste Exchange to meet the needs of business and industry. Grant assistance is requested for wages, supplies, advertising, printing, postage and contracted services for business waste audits and special educational activities.	

Application 5:	Iowa Northland Regional Council of Governments 501 Sycamore Street, Ste. 333 Waterloo, Iowa 50703	Tellus Institute 11 Arlington Street Boston, Massachusetts 02116-3411
Request:	\$85,523 - Grant - R&D/Demo	Project Title: Full Cost Accounting For Integrated Solid Waste Management
Applicant:	Local Government and Private Not For Profit -- Joint Application	Contact: Jeff Beneke (319) 235-0311 -- INRCOG
Description:	The applicants are proposing to build upon the Department sponsored WastePlan and full cost accounting (FCA) workshops by focusing on the demonstration and implementation of FCA in five municipalities. WastePlan a previous LAFA funded project, will be used as the framework within which the demonstration municipalities will implement FCA. The use of WastePlan and FCA principals will assist in solid waste management planning, pricing and program performance. Grant assistance is requested for wages, travel, and supplies.	

Application 6:	Sioux-Preme Packing Company 4241 U.S. Highway 75 Ave. P.O. Box 255 Sioux Center, Iowa 51250	Special Note: Northwest Iowa Area Solid Waste Agency has been issued a Notice of Violation for failure to submit a second revision comp plan. Not Eligible
Request:	\$330,382 - Zero Interest Loan	Project Title: Processing and Marketing Hog Hair
Applicant:	Private For Profit	Contact: Darrel Malenke (712) 722-2555
Description:	The applicant is requesting assistance to recycle approximately 250 tons of hog hair annually, a by-product of their hog slaughter facility. A market has expressed interest provided the hog hair can be properly processed and bagged. Loan assistance is requested for equipment and	

_____ construction.

Application 7:	Iowa Sani-Tred Waste Reduction Center 4 Sumner Ave. Humboldt, Iowa 50548	Project Title: Alternative Uses For Waste Materials
Request:	\$243,663 - Grant - Waste Reduction	Contact: Tony Bradley (515) 332-3628
Applicant:	Private For Profit	
Description:	The applicant is proposing to establish a research lab for reformulating and evaluating various production and demolition waste materials into construction, roofing, containment, etc. products. Processed waste materials are chemically bonded and coated to provide strength and a water impervious surface. Financial assistance is requested for equipment, shipping, building, materials, and salaries.	

Application 8:	Plastic Processors, Ltd. 926 4th Street NW Sioux Center, Iowa 51250	Special Note: Northwest Iowa Area Solid Waste Agency has been issued a Notice of Violation for failure to submit a second revision comp plan. Not Eligible
Request:	\$144,900 - Grant - R&D/Demo	Project Title: Plastic Product Manufacturing Expansion
Applicant:	Private For Profit	Contact: Norlyn Van Beek (712) 722-1586
Description:	The applicant is proposing to expand business operations by adding new recycled plastic product lines including fence posts and shoreline/boat dock products. Financial assistance is requested for equipment purchase, building renovations and startup capital.	

Application 9:	Plastic Processors, Ltd. 926 4th Street NW Sioux Center, Iowa 51250	Special Note: Northwest Iowa Area Solid Waste Agency has been issued a Notice of Violation for failure to submit a second revision comp plan. Not Eligible
Request:	\$142,500 - Grant - R&D/Demo	Project Title: Metal Recycling
Applicant:	Private For Profit	Contact: Norlyn Van Beek (712) 722-1586
Description:	The applicant is proposing to establish a recycling program for waste dog food and the metal cans, approximately 1.4 million pounds annually, which are currently landfilled. The applicant will bale the tin cans for marketing. The waste dog food will be bulked and delivered to an end user. Financial assistance is requested for equipment, building renovation, a delivery truck and startup capital.	

Application 10:	Cherokee County Solid Waste Commission 1805 Linden Street Cherokee, Iowa 51012	Project Title: Regional Recycling Program Expansion
Request:	\$83,758 - Zero Interest Loan	Contact: Dennis Henrich (712) 225-3749
Applicant:	Local Government	
Description:	The applicant is proposing to construct a building addition to process and receive additional recyclable materials. Additional drop boxes will be placed in Cherokee County and a drop-off program will be initiated in Plymouth County. Materials collected from both Counties will be delivered to the expanded processing facility. The facility is designed to accept an additional 4,000 tons per year. Financial assistance is requested to assist in the construction of the new processing building.	

Application 11:	Jendro Sanitation Services 108 Development Drive Charles City, Iowa 50616	Project Title: Floyd Rural Curbside Recycling Pilot Project
Request:	\$63,985 - Grant - R&D/Demo	Contact: Alan Powell (515) 228-3525
Applicant:	Private For Profit	
Description:	Applicant is proposing to design and construct a modified co-collection truck that will allow for the efficient and economical weekly curbside collection of garbage and recyclables from homes and businesses in the sparsely populated rural areas of Iowa. Small incorporated and unincorporated communities of less than 100 households will be targeted along with rural waste generators. The project would be done a pilot basis for 30 weeks. Financial assistance is requested for equipment, a vehicle and materials processing.	

Application 12:	North Central Correctional Facility 313 Lanedale Rockwell City, Iowa 50579	Project Title: Recovery and Reuse of Building Materials
Request:	\$183,653 - Grant R&D/Demo	Contact: John Thalacker
Applicant:	Local Government	
Description:	The applicant is proposing to use inmate labor to deconstruct buildings and recover building materials for reuse and recycling in all or portions of seven west central counties. Materials will also be accepted from outside contractors and home owners. A manual will be developed outlining steps that must be taken to properly combine the need for this type of waste management with local economic development efforts. Grant assistance is requested for equipment, labor, and building construction.	

Application 13:	Creative Composting Concepts 1811 Park Avenue SE Cedar Rapids, Iowa 52403	Project Title: Home Composting Education
Request:	\$208,694 - Grant - Education	Contact: Stacie Johnson (319) 368-6658
Applicant:	Private For Profit	
Description:	The applicant is proposing to partner with Kirkwood Community College to develop and deliver sixteen, eight hour community composting workshops throughout the state's fifteen community college districts to "train the trainers" in backyard composting. Once completed, the applicant proposes to implement a subsidized backyard composting bin distribution program in five communities. Grant assistance is requested for wages, travel, printing and postage, composting bins, telephone, conference registration, computer software, and composting guides.	

Application 14:	R.S. Bacon Veneer Company Highway 14 and 175 Grundy Center, Iowa 50638	Project Title: Waste Wood As A Fuel Source
Request:	\$289,936 - Zero Interest Loan	Contact: Joe Darter (319) 824-6991
Applicant:	Private For Profit	
Description:	The applicant is proposing to install a wood fired boiler system for production of the steam required in the manufacture of veneer. Use of wood waste will reduce the company's need for natural gas by as much as 90% while beneficially reusing over 1,000 tons of material from the local landfill annually. Financial assistance is requested for building construction and	

equipment.

Application 15:	Artistic Waste Services, Inc. 1817 Euclid Avenue Des Moines, Iowa 50313	Project Title: Commercial Food Waste Collection System Contact: Tony Colosimo (515) 262-4040
Request:	\$150,000 - Grant - R&D/Demo \$154,000 - Zero Interest Loan	
Applicant:	Private For Profit	
Description:	The applicant is proposing to implement a dedicated organic waste collection system that will deliver approximately 11,000 tons of organic wastes to the Metro Waste Authority Compost Center for processing/composting annually. The organic waste stream will be collected from such generators as grocery stores, schools, organics manufacturing and eating and drinking establishments. Financial assistance is requested for a collection vehicle, containers, wages, supplies and operation and maintenance costs.	
Application 16:	James Recycling County Road X-64 Oxford Junction, Iowa 52323	Project Title: Recyclables Collection Improvements Contact: Joe James (319) 486-2892
Request:	\$42,400 - Grant - R&D/Demo	
Applicant:	Private For Profit	
Description:	The applicant collects various types of recyclable commodities, particularly the difficult to match materials and markets them to several recycling processors. The applicant collects materials, from across the State and proposes to make efficiency improvements in the areas of collection, processing and storage. The project is expected to conservatively divert an additional 1,500 tons annually. Financial assistance is requested for the purchase of a semi-tractor and trailer, and building construction.	
Application 17:	Home Recycling Exchange 805 SE 14th Court Des Moines, Iowa 50317	Project Title: Reuse of Building Materials and Fixtures Contact: Lyle Ball (515) 280-9296
Request:	\$6,500 - Grant - Waste Reduction	
Applicant:	Private Not For Profit	
Description:	The applicant is proposing to expand the existing warehouse of recovered useable building materials and fixtures. The facility expansion will improve the efficiency in handling incoming and outgoing materials. Grant assistance is requested for building expansion.	
Application 18:	Landfill Intercept 113 School Street Orient, Iowa 50858	Project Title: Recycled Content Product Construction Contact: Jim Rigsby (515) 283-1445
Request:	\$17,480 - Grant - R&D/Demo	
Applicant:	Private For Profit	
Description:	The applicant is proposing to purchase reusable lumber and construct such recycled products as garden benches, out buildings, and storage boxes. Grant assistance is requested for land purchase, building erection, wages and advertising.	

Application 19:	City of Fort Dodge 821 1st Avenue South Fort Dodge, Iowa 50501	Project Title: Co-mingled Commercial Waste Separation and Recycling
Request:	\$645,184 - Grant - R&D/Demo	Contact: Skip Martin (515)573-7175
Applicant:	Local Government	
Description:	The applicant is proposing to implement manual separation of co-mingled waste generated in the commercial sector using inmate labor. The project is expected to divert over 14,000 tons annually. Recovered recyclables will be processed and marketed. Grant assistance is requested for equipment, building construction and labor.	

Application 20:	Doc's Products 3906 Onawa Drive Waterloo, Iowa 50701	Project Title: Recycled Content Plastic Products
Request:	\$18,000 - Zero Interest loan	Contact: Jerry O'Donnell (319) 233-6831
Applicant:	Private For Profit	
Description:	The applicant is proposing to initiate a business of manufacturing shims and paintbrush holders out of recycled plastic. One manufacturing line will require approximately 312 tons of HDPE annually. Financial assistance is requested for equipment.	

Application 21:	Pyro Energy 2226 Vogt St. Burlington, Iowa 52601	Project Title: MSW to Oil, Charcoal and Electricity
Request:	\$2,000,000 - Grant - R&D/Demo	Contact: Harold Massner (319) 753-5355
Applicant:	Private For Profit	
Description:	Applicant is proposing to implement a pyrolytic resource recovery process for MSW. Once pyrolyzed, MSW will be converted to oil, charcoal and electricity. Grant assistance is requested for equipment, building construction, engineering and contingency funds.	

Application 22:	Chensvold & Rovang Sanitation 204 W Elm West Union, Iowa 52175	Project Title: Curbside Recyclables Collection Program
Request:	\$149,250 - Zero Interest Loan	Contact: Deb Rovang (319) 422-9213
Applicant:	Private For Profit	
Description:	The applicant is proposing to offer curbside recycling collection to existing residential and business clients in Fayette, Bremer, Buchanan and Clayton Counties at no additional charge. Applicant estimates an additional 150 tons of recyclables will be diverted from area landfills. Cardboard will be sorted out, baled and marketed by the applicant while remaining recyclables will be transported to the Fayette County Recycling Center for processing and marketing. Financial assistance is requested for wages, recycling bins, building purchase and collection vehicle modifications.	

Application 23:	Iowa Northland Regional Council of Governments 501 Sycamore Street, Ste. 333 Waterloo, Iowa 50703	Project Title: Recycling Handbook
Request:	\$15,045 - Grant - Education	Contact: Jeff Beneke (319) 235-0311

Applicant:	Local Government
Description:	Applicant is proposing to develop and distribute a recycling handbook targeting households and business and industry. The handbook will serve as a comprehensive source of information on recycling, backyard composting, household hazardous materials, etc. relevant to the three county INRCOG service area. Financial assistance is requested for handbook printing.

Application 24:	City of Sioux City, Utilities Department PO Box 447 Sioux City, Iowa 51102-0447
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Request:	\$193,839 - Grant - R&D/Demo and Waste Reduction	Project Title: Confidential Document Collection and Recycling	Contact: John Green (712) 279-6292
Applicant:	Local Government		
Description:	The applicant is proposing to develop a program for the collection, destruction and recycling of high grade, confidential office paper documents in Woodbury County. It is estimated that a minimum of 2,500 tons of high grade office paper will be recovered and recycled annually. The project will investigate the volume of paper required to be considered a stand alone and viable service. Grant assistance is requested for a collection vehicle, vehicle operation and maintenance, collection carts and wages.		

Application 25:	ABC Plastics 2148 HWY. 22 W PO Box 990 Kalona, Iowa 52247
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Request:	\$67,200 - Zero Interest Loan	Project Title: Recycled Plastics Processing Improvement	Contact: Cloyce Palmer (319) 656-2112
Applicant:	Private For Profit		
Description:	The applicant is proposing to expand their ability to process additional types and quantities of recycled plastics, up to 1,500 tons per year. The applicant produces recycled plastic dimensional lumber and plastic plywood. Stubs, butts and off-spec lumber is currently shipped to Chicago for grinding and reuse. Financial assistance is requested for the purchase of equipment that will allow the applicant to grind in-house waste plastic, receive additional types of waste plastic and perform custom grinding of various types of plastic waste.		

Application 26:	Anamosa State Penitentiary 406 North High Street, PO Box 10 Anamosa, Iowa 52205-0010
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Request:	\$57,361 - Grant - Education	Project Title: Recycling Center Expansion	Contact: Glen Hansel (319) 462-3504 Ext. 215 or 295
Applicant:	Local Government		
Description:	The applicant is requesting assistance to expand the existing recycling facility and to develop a manual on correctional facility recycling. Approximately 7,000 tons of recyclables are currently being processed with inmate labor from all or portions of 4 east central Iowa Counties with the potential to expand the service area. The project will allow for improved working conditions and allow acceptance of additional materials. Grant assistance is requested for the educational guidebook, building construction, equipment and project administration.		

Ms. Hay reviewed details of the applications.

Discussion followed regarding the criteria followed in selecting the applicants; grants given for land purchases in the past; a project for home composting; and facilities that are ineligible for grants or loans as they are remiss in their comprehensive plans.

INFORMATIONAL ONLY

FOOD WASTES DATABASE DEVELOPMENT CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission approved a \$31,000 contract for development of a foodwaste database at the March 1997 meeting. The selected contractor was the Iowa Waste Reduction Center at the University of Northern Iowa. Two issues were unable to be resolved during contract negotiations and on June 6 IWRC withdrew from contract consideration. As a result, the department awarded the contract to the second highest scoring applicant.

The first issue was a refusal on the part of IWRC to provide to the department some of the information that was to be gathered through the survey instrument although IWRC's proposal had indicated that this information would be provided. The second was a refusal on the part of IWRC to preserve the confidentiality of DNR data they may have access to during the course of this contract.

Kansas State University scored one-quarter of one point lower than the IWRC application and has agreed to carry out the contract despite the significant time delays experienced as a result of lengthy contract negotiations with IWRC. The work will be accomplished by March 1, 1998. The contract amount of \$31,000 and the scope of work remain the same.

The purpose of this contract is to survey all industrial food processors in Iowa of ten (10) or more employees to develop a database describing the amounts, types, and locations of, and current management methods for organic wastes generated by the food and kindred product sector in Iowa. The food and kindred product sector includes industries involved with meat packing, dairy products, flour and grain milling products, snack foods, prepared animal feeds, bakery products, preserved/canned fruits and vegetables, beverages, and fats and oils. The database shall not include wastes from restaurants, supermarkets, hospitality sectors, or institutions. Based upon the data collected, the contractor shall evaluate and describe the environmental, economic, and regulatory potential of composting, land application, animal feed production, fertilizer production, biomass conversion, alcohol production, and other techniques for managing these wastes in Iowa.

The objectives of the contract are:

- (1) To develop a database describing the amounts, types, and locations of organic wastes generated by the food and kindred product sectors in Iowa;
- (2) To perform locational analysis of the data gathered using a geographic information system ;
- (3) To identify and describe the current methods of managing these wastes in Iowa;
- (4) To evaluate the environmental and economic potential of composting, land application, animal feed production, fertilizer production, biomass conversion, alcohol production, and other techniques for managing these wastes in Iowa;
- (5) To determine and describe the waste management needs of the industrial food production sector in Iowa; and
- (6) To promote existing waste management programs such as the Waste Reduction Assistance Program, the By-product and Waste Search Service, the Iowa Waste Reduction Center, and the Recycle Iowa Office to the food and kindred product sectors in Iowa.

Ms. Hay presented details of the contract and reviewed the selection process.

Rita Venner commented that she was unhappy to see the contract go to an out-of-state firm.

Chairman Ehm stated that he would like to see the Commission give approval on this issue since it is a new contractor.

Motion was made by Rozanne King to approve the Food Wastes Database Development Contract with Kansas State University, as presented. Seconded by Rita Venner.

Discussion followed regarding the confidentiality issue and that UNI would not agree to provide information about a company requiring information or assistance from them.

Vote on the motion carried unanimously.

APPROVED AS PRESENTED

MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT UPDATE

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

On June 26, 1997, the Midwest Compact Commission voted to halt development of the six-state, regional disposal facility to be sited in the state of Ohio. The Commission also rescinded Ohio's designation as host state, thereby relieving Ohio of its responsibility for siting and operating the facility. The Commission will provide phase-out funding for the Ohio agencies involved in the facility development and regulation through September 30, 1997.

The Commission, which was on the brink of spending millions of dollars on site selection and characterization activities in Ohio, considered national events since enactment of Ohio's

enabling legislation in June of 1995, coupled with the continued trends in waste management practices and the rising costs of new disposal facilities.

The most significant reasons for halting development of the regional facility included the following:

(1) The continued downward trend in national and Midwest Compact waste volumes. Between 1986 and 1989, the national disposal volume averaged 1,670,486 cubic feet. For the years 1992 through 1995, the national volume has averaged 695,173 cubic feet, a 58% reduction. The Midwest Compact disposal volumes have experienced a similar dramatic decline. Projected average annual disposal volumes for Midwest Compact waste were that it would reach 215,500 cubic feet by the late 1980's. Actual volumes never rose higher than 114,700 cubic feet, and during the last four years, Midwest Compact disposal volumes have averaged 21,370 cubic feet.

(2) Rising development costs, funding constraints, and potentially high waste disposal fees at a Midwest Compact facility. The estimated cost of developing a new disposal facility for low-level radioactive waste has steadily risen since enactment of the first federal legislation in 1980. Although Ohio had not yet been able to provide a qualified cost estimate for a regional disposal facility, the estimates available from other host states range from \$100 to \$216 million dollars. Because Ohio law requires characterization of three sites, an engineered barrier facility, and a detailed licensing process with adjudicatory hearings, their development costs were likely to be high.

The dramatic fall in regional waste volumes, coupled with high development costs for a new disposal facility, could make the price of waste disposal at a Midwest Compact facility prohibitive. Disposal fees would be further magnified because all of the development, financing, and operating costs would need to be recovered during the relatively short, 20-year period the facility would accept waste. In addition, development money for the subsequent disposal facility in the host state would need to be collected from generators during the early years of operation of the first disposal facility in Ohio.

(3) Continued access to existing disposal facilities has lessened the need for new disposal capacity. Unexpected events involving existing, privately-operated disposal facilities in South Carolina and Utah have created disincentives for development of new disposal capacity. If disposal access to all existing facilities is ever lost, generators have on-site waste storage capabilities. Although temporary storage is not a desirable alternative to disposal, it would provide for waste management during the interval of time needed to secure disposal capacity elsewhere.

The Midwest Interstate Low-Level Radioactive Waste Compact, which is law in all six member states and was approved by Congress in 1985, will remain intact as a legal structure. It has not been determined to date whether Congressional approval will be sought for the compact amendments adopted in the six states in 1995 and 1996.

The Midwest Compact Commission's office in St. Paul, Minnesota will be maintained for one year, at which time any appropriate changes in staffing will be made, taking into consideration regional and national developments and projected Commission activities in the upcoming year.

More specific background information can be provided to the Commission at the meeting if desired.

~~Ms. Hay reviewed the status update as shown in the item brief.~~

INFORMATIONAL ONLY

PROPOSED CONTESTED CASE APPEAL--CITY OF AMES AND WPC DEPARTMENT

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 27, 1996, the department denied the City of Ames' request for a variance to allow well construction next to a sanitary sewer line to City of Ames. That action was appealed by City of Ames, and the matter proceeded to administrative hearing on March 12, 1997. The Administrative Law Judge issued the Proposed Decision on April 4, 1997. The decision affirms the department's decision to deny the variance.

The City of Ames has appealed this decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy stated that the City of Ames submitted an application to construct a new well to replace a well that had been taken out of service, and also requested a waiver. He related that the department denied the waiver and did not proceed with the permit application, and the City appealed that. He noted that the issue is whether the department reasonably exercised its discretion to deny the waiver.

Appointment - John Klaus (City of Ames)

John Klaus, Attorney for City of Ames, introduced Tom Newman and Steve Setoudeh with the Ames Water Pollution Control Utility. He asked the Commission not to follow the decision of the hearing officer in an appeal the City of Ames made on the denial of a waiver. He stated that he believes if the decision is to be made on the basis of written rules, and on facts and evidence, then the hearing officer should have decided to grant the waiver that the rules clearly provide for and which the evidence shows the City of Ames is clearly entitled to have under the rules. Mr. Klaus explained that there are rules that limit how close a water well can come to a sanitary

sewer. He noted that Ames has a number of water wells established in an old part of town and it is necessary to occasionally come closer to a sanitary sewer than the rules allow. He related that Well #14 is about 21 feet from an existing sewer line so a waiver is needed. He read an excerpt from the rules covering waivers. Mr. Klaus stated that the ALJ established that the City meets the threshold requirement of eligibility for a waiver and also presented substantial historical documentation that no contamination has occurred so far. He related that the hearing officer established that the waiver could have been granted to the City of Ames. He reviewed the four factors for denial of a waiver and discussed a case with Oscar Meyer that the department said was a similar case where a waiver was denied. Mr. Klaus noted that the case was in no way similar as there was no evidence supported in the record. He read an excerpt from a letter in 1973 granting the City a waiver for Well #15 stating "This approval is granted on the basis of a verbal commitment by the Ames Municipal Officials to meet all minimum requirements regarding future municipal well construction for the City of Ames." He related that statement has been viewed by DNR staff that this was a commitment by the City that they would never apply for this waiver again. He noted that it says Ames will meet all minimum requirements and they have done that. In conclusion, he asked the Commission to overrule the ALJ decision and grant the waiver.

Brief discussion followed and Gary Priebe asked why the City does not drill right beside the old well.

Tom Newmann stated that the old casing and other materials are still buried there which would be a construction obstacle, as well as trees that are located on either side.

Mr. Murphy stated that the question is the discretion of the staff in granting a waiver, noting that the rules do not say the department "shall" grant a waiver, but that they "may" grant a waiver if threshold conditions are met. He noted that there was some question whether the sanitary sewer line could be termed modern or not, adding that there is an even greater separation distance for nonmodern systems. He related that the monitoring was a composite of the raw sources and the ALJ found there could be contamination from the given well which could be diluted and not show in a composite sample, although testimony was provided that the City had met the threshold requiring historical data. He added that the department's engineer had concern that the data would not show the existence of viral contamination, but there is no requirement to test for that type of contamination. Mr. Murphy related that the technical staff has concern that the monitoring may not prove that there is not a problem. He stated that in the matter of public health and safety the staff decision was to be conservative. Additionally, it was felt there were alternatives the City had that should be explored in looking for other sites, or to upgrade that portion of the sanitary sewer to meet water distribution standards in which the distance is lowered to 25 feet. Mr. Murphy stated that the Oscar Meyer precedent was submitted to show how the department approaches this type of question in other cases; in that case they explored their options. Mr. Murphy noted that to keep allowing more wells that do not meet the standards is additional reason to question whether a new waiver should be granted.

Discussion followed regarding costs to the city to change the sewer to more modern standards; other wells in the City that are not in compliance; and possibly upgrading only the affected section of the sewer line.

Mr. Newman stated that the project would cost \$350,000 as they could not cut a piece out of the middle and replace it.

~~Terrance Townsend asked about the thought of picking an area outside of the City and adding there as needed.~~

Mr. Newman stated that there presently is a well field outside of town but the downtown well field is where the city is trying to maintain capacity, which provides 40% of the water supply.

Brief discussion took place regarding problems with Well #14 since construction in 1970.

Motion was made by Rita Venner to reverse the Administrative Law Judge decision and to grant the waiver. Seconded by Gary Priebe.

Gary Priebe commented that he has mixed emotions as he understands why the City has to drill a new well but can't see why they cannot get 50 feet further away from the sewer line. He added that he agrees with staff in that he would rather err on the side of caution than err on the side of having sick people someday.

Dean McWilliams stated that if the Commission grants the waiver it will set a precedent and others will want the same thing.

Randall Giannetto stated that the well existed and was okay for 25 years and if the City meets the requirements for a waiver, it should be granted to them.

Charlotte Mohr commented that wells wear out and no longer produce good water and she would support the motion.

Terrance Townsend commented that in looking at the maze of water line distribution within a city they are closer than 25 feet to a sewer, adding that the ones coming in and going out of his house are closer than 25 feet.

Rita Venner stated that there is merit in the fact that the City's long term goal is to move out of the city.

Gary Priebe argued that the new well will be there for 30 years or better and it only takes one sewer line from one house to break and cause problems.

Charlotte Mohr noted that the City of Ames has been before the Commission in the past and they have always done a good job with their water system and sewer system and she commended them for that.

Chairman Ehm requested a roll call vote on Commissioner Venner's motion to reverse the ALJ decision. "Aye" vote was cast by Commissioners Townsend, Venner, Giannetto, King, and Mohr. "Nay" vote was cast by Commissioners Murphy, Priebe, McWilliams, and Ehm. Motion carried on a vote of 5 Aye to 4 Nay.

ALJ DECISION REVERSED

WASTE TIRE MANAGEMENT COUNTY GRANT PROGRAM CONTRACTS

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department has accepted and reviewed applications for fiscal year 1998 funds which are currently available through Chapter 215 "Waste Tire Management County Grant Program". Grants will be used for establishing and implementing local waste tire management programs, including the designation and operation of a site or sites within each participating county for the collection of waste tires without charge from eligible parties. The maximum grant amount available to a county each year is based on the population of the county.

During this grant funding round 42 grant applications were received, representing a total of 67 counties (8 regional applications representing multiple counties were received). A total of \$1,213,298 was requested from the applicants, with \$1,000,000 available for allocation. Thirty-eight (38) applications were selected for receipt of a total of \$1,000,000 in grant funds. A listing of all grant applicants selected by the Department for grant awards in fiscal year 1998 was provided to the Commission at the May 1997 Commission meeting.

At this time the Commission is requested to approve contracts for six (6) of the ten (10) selected applications in excess of \$25,000. The remaining contracts are anticipated to be brought to the Commission for approval in August, as the Department must first review and approve expenditure reports from fiscal year 1997 grant funds awarded to these recipients from the waste tire management fund, before fiscal year 1998 contracts may be drafted.

Buena Vista County Environmental Health	Buena Vista, Cherokee	30,000
East Central Iowa Council of Governments	Benton, Iowa, Tama, Johnson, Jones, Linn	140,000
Metro Waste Authority	Polk	64,500
North Iowa Area Council of Governments	Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth	120,000
Story County Health Department	Story	30,000

West Central Iowa Solid Waste Management	Audubon, Carroll, Crawford, Ida, Shelby	75,000
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Buena Vista County Environmental Health \$30,000 Grant

SCOPE OF WORK

Program Description. The Recipient will implement a waste tire management program within Buena Vista and Cherokee county. The program will consist of the establishment of a tire “amnesty” collection date in each county during September 1997, whereby a temporary collection site will be established at each county’s recycling center. Funds will also be used to offer a reward or incentive to non-profit groups who are interested in cleaning up waste tires that have been dumped or abandoned. Educational programs and activities regarding proper management and recycling of waste tires will be conducted through brochures, press releases, news articles, and other outreach programs. It is estimated that over 18,000 waste tires will be collected through this program.

Program Implementation Schedule. Grant monies awarded through this contract shall be used to implement waste tire collection activities as described above, with such programs commencing no sooner than the effective date of the contract, and ending no later than June 30, 1998. Cost incurred or programs implemented prior to or beyond the terms of this agreement between the recipient and the Department are ineligible for grant funding under this contract.

Program Budget. The recipient has provided the Department with a budget summary of proposed expenditures. Grant monies awarded through this contract shall be expended in comparison to budget items and amounts as specified in the budget summary presented herein, with grant expenditures in any one category not to exceed a difference of 10% as compared to the original grant amount requested in each cost category of the budget summary, unless this contract is amended by written consent of the Department director, the administrator of the Waste Management Assistance Division, and the authorized officer of the recipient.

PROGRAM BUDGET TABLE

Budget Items	Grant Amount Allocations
Tire Processing Fees	\$18,600
Advertising/Education	\$225
Program Administration/Supplies	\$3,975
“Bounty” fees	\$7,200
Total Grant Amount	\$30,000

East Central Iowa Council of Governments \$140,000 Grant

SCOPE OF WORK

Program Description. The Recipient will implement a waste tire management program throughout Benton, Iowa, Johnson, Jones, Linn, and Tama counties. The program will consist of the establishment of tire "amnesty" days from April-June 1998, whereby temporary collection sites will be established throughout the counties to allow the public to bring in waste tires without a disposal fee. Funds will also be used to offer a reward or incentive to non-profit groups who are interested in cleaning up waste tires that have been dumped or abandoned. Educational programs and activities regarding proper management and recycling of waste tires will be conducted through high school drivers' education classes, tire dealers, and other outreach programs. It is estimated that over 70,000 waste tires will be collected through this program.

Program Implementation Schedule. Grant monies awarded through this contract shall be used to implement waste tire collection activities as described above, with such programs commencing no sooner than the effective date of the contract, and ending no later than June 30, 1998. Cost incurred or programs implemented prior to or beyond the terms of this agreement between the recipient and the Department are ineligible for grant funding under this contract.

Program Budget. The recipient has provided the Department with a budget summary of proposed expenditures. Grant monies awarded through this contract shall be expended in comparison to budget items and amounts as specified in the budget summary presented herein, with grant expenditures in any one category not to exceed a difference of 10% as compared to the original grant amount requested in each cost category of the budget summary, unless this contract is amended by written consent of the Department director, the administrator of the Waste Management Assistance Division, and the authorized officer of the recipient.

PROGRAM BUDGET TABLE

Budget Items	Grant Amount Allocations
Tire Processing Fees	\$91,000
Advertising/Education	\$18,550
Collection Labor/Mgmt. Costs	\$11,200
"Bounty" fees	\$19,250
Total Grant Amount	\$140,000

Metro Waste Authority**\$64,500****Grant****SCOPE OF WORK**

Program Description. The Recipient will implement a waste tire management program throughout Polk County and the recipient's service area. The program will consist of the cooperation of member communities that host an annual residential waste tire collection event, ~~combined with the continued use of three permanent collection sites for waste tires that have~~ been established within the county. The recipient will also work to identify and remediate specific collections and stockpiles of waste tires. Educational programs and activities regarding proper management and recycling of waste tires will be conducted through brochures, press releases, news articles, and other outreach programs. It is estimated that over 48,000 waste tires will be collected through this program.

Program Implementation Schedule. Grant monies awarded through this contract shall be used to implement waste tire collection activities as described above, with such programs commencing no sooner than the effective date of the contract, and ending no later than June 30, 1998. Cost incurred or programs implemented prior to or beyond the terms of this agreement between the recipient and the Department are ineligible for grant funding under this contract.

Program Budget. The recipient has provided the Department with a budget summary of proposed expenditures. Grant monies awarded through this contract shall be expended in comparison to budget items and amounts as specified in the budget summary presented herein, with grant expenditures in any one category not to exceed a difference of 10% as compared to the original grant amount requested in each cost category of the budget summary, unless this contract is amended by written consent of the Department director, the administrator of the Waste Management Assistance Division, and the authorized officer of the recipient.

PROGRAM BUDGET TABLE

Budget Items	Grant Amount Allocations
Tire Processing Fees	\$45,000
Advertising/Education	\$17,000
Program Administration	\$2,500
Total Grant Amount	\$64,500

North Iowa Area Council of Governments**\$120,000****Grant****SCOPE OF WORK**

Program Description. The Recipient will implement a waste tire management program throughout Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, and Worth counties. The program will consist of the establishment of community wide tire “clean up” days, combined with a waste tire “amnesty” period at county-wide collection sites during September of 1997, in order to allow the public to bring in waste tires without a disposal fee. Funds will also be used to offer a reward or incentive to non-profit groups who are interested in cleaning up waste tires that have been dumped or abandoned. Educational programs and ~~activities regarding proper management and recycling of waste tires will be conducted through~~ informative brochures, press release, and other outreach programs. It is estimated that over 85,000 tires will be collected through this program.

Program Implementation Schedule. Grant monies awarded through this contract shall be used to implement waste tire collection activities as described above, with such programs commencing no sooner than the effective date of the contract, and ending no later than June 30, 1998. Cost incurred or programs implemented prior to or beyond the terms of this agreement between the recipient and the Department are ineligible for grant funding under this contract.

Program Budget. The recipient has provided the Department with a budget summary of proposed expenditures. Grant monies awarded through this contract shall be expended in comparison to budget items and amounts as specified in the budget summary presented herein, with grant expenditures in any one category not to exceed a difference of 10% as compared to the original grant amount requested in each cost category of the budget summary, unless this contract is amended by written consent of the Department director, the administrator of the Waste Management Assistance Division, and the authorized officer of the recipient.

PROGRAM BUDGET TABLE

Budget Items	Grant Amount Allocations
Tire Processing Fees	\$114,000
Advertising/Education	\$800
Administration	\$5,200
Total Grant Amount	\$120,000

Story County Health Department

\$30,000

Grant

SCOPE OF WORK

Program Description. The Recipient will implement a waste tire management program throughout Story County. The program will consist of the establishment of tire “amnesty” or “clean up” days during the fall and spring in specific municipalities and communities throughout

the county, in order to allow the public to bring in waste tires without a disposal fee. Funds will also be used to offer a reward or incentive to non-profit groups who are interested in cleaning up waste tires that have been dumped or abandoned. Educational programs and activities regarding proper management and recycling of waste tires will be conducted through presentations, programs, videos, and exhibits that will be given throughout the county, and by other outreach programs. It is estimated that over 20,000 waste tires will be collected through this program.

Program Implementation Schedule. Grant monies awarded through this contract shall be used to implement waste tire collection activities as described above, with such programs commencing no sooner than the effective date of the contract, and ending no later than June 30, 1998. Cost incurred or programs implemented prior to or beyond the terms of this agreement between the recipient and the Department are ineligible for grant funding under this contract.

Program Budget. The recipient has provided the Department with a budget summary of proposed expenditures. Grant monies awarded through this contract shall be expended in comparison to budget items and amounts as specified in the budget summary presented herein, with grant expenditures in any one category not to exceed a difference of 10% as compared to the original grant amount requested in each cost category of the budget summary, unless this contract is amended by written consent of the Department director, the administrator of the Waste Management Assistance Division, and the authorized officer of the recipient.

PROGRAM BUDGET TABLE

Budget Items	Grant Amount Allocations
Tire Processing Fees	\$17,000
Advertising/Education	\$9,000
Administration	\$2,000
"Bounty" fees	\$2,000
Total Grant Amount	\$30,000

West Central Iowa Solid Waste Management Association \$75,000 Grant

SCOPE OF WORK

Program Description. The Recipient will implement a waste tire management program throughout Audubon, Carroll, Crawford, Ida, and Shelby counties. The program will consist of the establishment of community wide tire "clean up" days, combined with a waste tire "amnesty" period at local landfills throughout the counties during the fall of 1997, in order to allow the public to bring in waste tires without a disposal fee. Funds will also be used to offer a reward or incentive to non-profit groups who are interested in cleaning up waste tires that have

been dumped or abandoned. Educational programs and activities regarding proper management and recycling of waste tires will be conducted through informative brochures, press release, and other outreach programs. It is estimated that over 40,000 waste tires will be collected through this program.

Program Implementation Schedule. Grant monies awarded through this contract shall be used to implement waste tire collection activities as described above, with such programs ~~commencing no sooner than the effective date of the contract, and ending no later than June 30,~~ 1998. Cost incurred or programs implemented prior to or beyond the terms of this agreement between the recipient and the Department are ineligible for grant funding under this contract.

Program Budget. The recipient has provided the Department with a budget summary of proposed expenditures. Grant monies awarded through this contract shall be expended in comparison to budget items and amounts as specified in the budget summary presented herein, with grant expenditures in any one category not to exceed a difference of 10% as compared to the original grant amount requested in each cost category of the budget summary, unless this contract is amended by written consent of the Department director, the administrator of the Waste Management Assistance Division, and the authorized officer of the recipient.

PROGRAM BUDGET TABLE

Budget Items	Grant Amount Allocations
Tire Processing Fees	\$70,500
Advertising/Education	\$4,500
Total Grant Amount	\$75,000

Ms. Hay briefly reviewed the contracts for the Commission.

Motion was made by Dean McWilliams to approve the Waste Tire Management County Grant Program contracts as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

STATEWIDE WASTE CHARACTERIZATION STUDY CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The State of Iowa's last statewide waste characterization was published in 1990. Since 1990, many new solid waste management programs including source reduction, recycling, unit based pricing and composting have been implemented and have affected the waste characterization of Iowa. The Waste Management Assistance Division and the Recycle Iowa Office have formed a partnership to assess the state's current waste characterization numbers and to identify efforts needed to meet Iowa's 50% waste reduction and recycling goal.

Information obtained from the statewide waste characterization will provide the Department, Recycle Iowa and others responsible for waste management in Iowa the information necessary to:

- determine large waste streams available for reduction, recycling and economic development opportunities,
- analyze differences in the waste stream based on types of waste management programs in place,
- determine the effectiveness of various bans both local (cardboard) and state (yard waste, deposit containers), and
- provide additional information on organics present in the waste stream.

All of the above information will allow local governments and the Department to best target our future efforts to surpass Iowa's 50% waste diversion goal.

The statewide waste characterization commenced with a Request For Proposals (RFP) due June 13, 1997 to select a consultant(s) to conduct a two-season waste sort at six pre-determined sites during October of 1997 and Spring of 1998. The selected contractor would be responsible for the development of a statewide waste characterization for Iowa by conducting a waste stream analysis, consisting of a physical sorting and weighing survey, and assessing the components of the solid waste stream to aid the division to effectively plan future waste management programs.

The six pre-determined sorting sites have made a commitment to the waste characterization study by responding to a waste sort opportunity notice issued by the Department. The six sorting sites are:

Floyd-Mitchell County Solid Waste Management Agency,
North Dallas Regional Solid Waste Commission,
Des Moines County Regional Solid Waste Commission,
South Central Iowa Solid Waste Agency,
Iowa City Landfill, and
Monona County Solid Waste Transfer Station.

The selected contractor will conduct a pre-sort workshop, conduct pre-sort sampling work, provide assistance on-site at six one-week sorts in each of the two seasons, and compile and analyze data and issue the statewide waste characterization study.

Representatives of the pre-determined sort sites will attend the pre-sort workshop, provide labor for the one week two season sort, and provide equipment for the sort such as barrels, endloader, and sorting tables.

The Waste Management Assistance Division will provide on-site assistance during each of the six two-season sorts, a portable scale and waste sort safety supplies such as tyvek suits, gloves, and goggles.

Seven applications were received and reviewed by a four person team comprised of one representative from the Recycle Iowa Office and three representatives from the Waste Management Assistance Division. The list of Applicants is as follows:

Proposal 1

Applicant	Midwest Assistance Program 2048 NW 92nd Court, Suite 3 Des Moines, IA 50325	Dennis Siders 515/225-2511
Budget	\$47,250	

Proposal 2

Applicant	GBB Solid Waste Management Consultants 2735 Hartland Road Falls Church, VA 22043-3537	Robert H. Brickner 703/573-5800
Budget	\$61,270	

Proposal 3

Applicant	R.W. Beck, Inc. 8300 Norman Center Drive, Suite 860 Minneapolis, MN 55437	Robert Craggs 612/835-6120
Budget	\$52,200	

Proposal 4

Applicant	RecycleWorlds Consulting Corp. 4513 Vernon Blvd., Suite 15 Madison, WI 53705-4964	Peter Anderson 608/231-1100
Budget	58,890	

Proposal 5

Applicant	Foth & Van Dyke 211 Grand Avenue, Suite 100 Des Moines, IA 50312	Sara Bixby 515/323-7050 Warren Shuros 612/452-4396
Budget	\$66,748	

Proposal 6

Applicant	Barr Engineering Company 8300 Norman Center Drive Minneapolis, MN 55437-1026	John T. Lee 612/832-2646
Budget	\$54,800	

Proposal 7

Applicant	Barker Environmental Services, Inc. 1300 Cummins Road, Suite 201 Des Moines, IA 50315	Thomas L. Clark 515/683-9538
Budget	\$62,300	

R.W. Beck, Incorporated was selected to conduct the workshop, perform the waste sorts and develop the statewide waste characterization. The firm has extensive statewide waste characterization experience, including previous experience in Iowa. The firm also has a well defined methodology for sorts and development of state characterization, and well defined criteria for those landfills not participating in the sort. These criteria will allow non-participating landfills to estimate their waste stream using parameters as found in other areas. The statewide waste characterization study contract is attached for the Commission's approval.

ATTACHMENT A -- STATEMENT OF WORK

Project Title: Iowa Solid Waste Characterization

Workshop

- A.) The Contractor shall conduct a workshop for facility operators to explain the sorting methodology and safety guidelines to be used at each facility for development of the statewide characterization.
- B.) The workshop shall be based on the waste sort manual provided by the department.
- C.) The Contractor shall provide write-protected analysis spreadsheets and formulas on disk for insertion into the waste sort manual provided by the Department.

Waste Sort Preparation

- A.) The contractor shall meet with the responsible party at each individual sorting location to determine logistical needs, meet facility staff, preview the materials to be sorted, and to identify and gather facility transaction and weight records.

Waste Sort

- A.) The two-season waste sorts shall take place at:
Floyd-Mitchell County Solid Waste Management Agency,
North Dallas Regional Solid Waste Planning Commission,
Des Moines County Regional Solid Waste Commission,

South Central Iowa Solid Waste Agency,
Iowa City Landfill, and
Monona County Solid Waste Transfer Station.

- A.) The Contractor shall be, at a minimum, on-site the first one and one-half days of each seasonal sort for each sort location to assure that proper sorting techniques are implemented and data integrity is maintained.
 - B.) The Contractor shall analyze and report the data from each waste sort.
 - C.) Following completion of the seasonal sorts, the Contractor shall develop a waste characterization for each individual site.
-
- D.) The Contractor will analyze sort data from all sorting locations and report any regional opportunities for diverting portions of the solid waste stream.

Statewide Waste Characterization Development

- A.) The Contractor shall develop the Iowa Statewide Waste Characterization by, at a minimum, characterizing into uniform measures the data collected during the seasonal sorts and data provided by the Department from four local sorts previously conducted in Iowa.
- B.) The Contractor shall use a 90% confidence interval when analyzing the variation from sample to sample.
- C.) The Contractor will characterize the results both quantitatively and qualitatively.
- D.) The Contractor will provide a statewide characterization that identifies the percentage of the solid waste stream each material type and its subcategories compose. Material types to be included are those material sort categories provided in the Department's sort manual used for the purpose of conducting the seasonal sorts.
- E.) The Contractor will provide a statewide characterization for the solid waste stream that will be adjusted to reflect characterization of the municipal solid waste subset of the waste stream which excludes industrial process waste and construction and demolition materials.
- F.) The Contractor will provide the types and quantities of materials continuing to be disposed which are recyclable or compostable.
- G.) The Contractor will provide one oral presentation to the Department of the project results.

Characterization Methodology for Non-participating Solid Waste Facilities

- A.) The Contractor shall develop and provide a methodology that can be used by non-participating solid waste facilities to develop a representative waste characterization for their local area. The methodology will not require the sorting of waste, and will be developed using the resulting statewide characterization, characterizations for the service areas represented by the ten facilities where waste sorts will have been completed and planning variables that at a minimum will include population, urban versus rural service areas, total and type of industrial employment, solid waste facility tipping fees, and waste diversion program effectiveness.

MILESTONES

Task	Beginning Date	Ending/Due Date
Waste Sort Workshop	September 30, 1997	September 30, 1997
Analyze Previous Sort Data	September 15, 1997	January 15, 1997
Fall Waste Sorts	September 29, 1997	November 8, 1997
Fall Sort Data Entered and Analyzed	September 1, 1997	December 1, 1997
Project Update Report Due	December 15, 1997	December 1, 1997
Spring Waste Sorts	April 27, 1998	June 6, 1998
Spring Sort Data Entered and Analyzed	April 27, 1998	July 1, 1998
Project Update Report Due	June 15, 1998	June 15, 1998
Characterization Methodology for Non-participating Solid Waste Facilities Developed	December 1, 1997	July 31, 1998
Statewide Waste Characterization Developed	August 1, 1997	July 31, 1998
Final Report and Presentation Complete	July 31, 1998	July 31, 1998

ATTACHMENT C -- BUDGET

Item	Cost
Waste Sort Workshop - Preparation & implementation	\$5,300
Waste Sorts - Pre-sort site assessment & on-site assistance	\$27,500
Data Analysis	\$10,500
Statewide Waste Characterization	\$6,400
Development of Non-participant Methodology	\$2,500
Total	\$52,200

Ms. Hay reviewed details of the contract.

Discussion followed in regard to the number of waste studies that have been done.

Motion was made by Rozanne King to approve the Statewide Waste Characterization Study contract as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

TOXIC CLEANUP DAYS CONTRACT AMENDMENT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The commission authorized the Director to implement a contract with Laidlaw Environmental Services of Illinois, Inc. for the purpose of disposal of wastes collected at Toxic Cleanup Day events for the fiscal year 1997.

The original contract allowed for an extension of one year to the Laidlaw contract based on their performance during the original term of that contract. Laidlaw's performance during the original term of the contract was found to be satisfactory and extension of the contract was approved. The performance of the contractor for Toxic Cleanup Day events held during this extension period will be on the same basis as set forth in the original contract.

The department has requested additional proposals from Iowa counties to host fall of 1997 Toxic Cleanup Day events. The following six counties have been selected to host the fall events:

Iowa	Pocahontas	September 6
Buchanan	Wright	September 13
Lyon	Ringgold	September 20

The DNR has negotiated a local cost share with each county.

The commission is requested to approve the amendment for contract 97-G340-01 to extend its term for a period of one year and to include the six fall Toxic Cleanup Day events at a total cost not to exceed \$142,600.50.

Ms. Hay reviewed details of the amendment to the existing contract.

Motion was made by Charlotte Mohr to approve the Toxic Cleanup Days Contract Amendment with Laidlaw Environmental Services. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. John Adam (Keokuk County) - water pollution

John Adam

Mr. Murphy stated that this matter involves a swine confinement in Keokuk County and a discharge of manure from an earthen storage structure in April 1997. He related that the circumstances, particularly the hose discharging wastes over the dike, warrant close consideration of the matter by the Attorney General's Office. He noted that Mr. Adam has been forthright with the department since the incident but he feels there are mitigating circumstances and explanations for what went on. Mr. Murphy circulated photos of the discharge and the affected area.

Appointment - John Adam

John Adam, grain and pork producer from Keokuk County, stated that he had a discharge from his lagoon in April this year. He distributed a copies of a letter he wrote the local DNR office in May explaining the extenuating circumstances of the discharge. The letter stated that in the Spring he hired a commercial applicator to knife in the manure and plans were to do it in early April. The second week of April the contractor called Mr. Adam and related he had some equipment problems and could not do the application at that time. Mr. Adam thought from a lagoon storage view point it was probably going to be okay. On April 12-13, Mr. & Mrs. Adam went to a wedding in Colorado and was gone for three days. That was the weekend of a terrible snowstorm, and so much snow fell that it slid off the roof in such volume it broke four PVC auger systems which fed the nursery rooms. Also, all the snow brought the lagoon to overflow capacity. Mr. Adam could not haul with spreaders because of the muddy conditions and two very windy days. His letter states that he got panicky thinking the dam would wash out or break, and he took sand out to try to hold the spillage. When that failed it seemed a siphon hose to relieve pressure may be the only solution, given the emergency situation. He related that he knows it was a bad decision but at the time there seemed to be no good options. He stated that he is very sorry it happened and personally accepts all responsibility. Mr. Adam asked the

Commission to table the matter today until he can work it out with the DNR staff. He noted that he is more than willing to cooperate.

Dean McWilliams asked if this is the first offense for this party.

Mr. Murphy confirmed that it is their first offense.

~~Rozanne King asked if Mr. Adams had called the department what they would have told him to do.~~

Mr. Murphy stated that staff would have gone out to see if the situation was as dire as portrayed and may have suggested spray irrigation. He added that they would have worked with him to alleviate the situation. He noted that alternative storage could have been considered.

Dean McWilliams asked about delaying the referral for 60 days.

Mr. Murphy stated that a delay would not create any problems for staff.

Motion was made by Dean McWilliams to table the referral for 60 days to allow Mr. Adam to work with DNR staff. Seconded by Gary Priebe. Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Townsend, Venner, Giannetto, King, McWilliams, Mohr, and Murphy. "Nay" vote was cast by Chairman Ehm. Motion carried on a vote of 8-Aye to 1-Nay.

TABLED FOR 60 DAYS

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT **July 1, 1997**

PROPOSAL	NOTICE TO	NOTICE PUBLISH	RULES REVIEW	HEARING	FINAL SUMMARY	RULES ADOPTED	RULES PUBLISH	RULES REVIEW	RULE EFFECTIVE
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	COMM.		COMM.		TO COMM.			COMM.	
1. Ch. 22, 23 - Air Quality-Emission Guidelines for Municipal Solid Waste Landfills	2/17/97	3/12/97	4/08/97	4/11/97	6/16/97	6/16/97	7/16/97	8/11/97	*8/20/97
2. Ch. 44 - Drinking Water Revolving Fund	*8/18/97	*9/10/97	*10/07/97	*10/ /97	*11/17/97	*11/17/97	*12/18/97	*1/06/98	*1/21/98
3. Ch. 50, 51, and 52 - Agricultural Drainage Wells	*8/18/97	*9/10/97	*10/07/97	*10/ /97	*11/17/97	*11/17/97	*12/18/97	*1/06/98	*1/21/98
4. Ch. 64 - General Permits - Stormwater	6/16/97	7/16/97	8/11/97	8/07/97	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
5. Ch. 65 - Animal Feeding Operations	7/21/97	*8/13/97	*9/08/97	-----	*10/20/97	*10/20/97	*11/19/97	*12/08/97	*12/24/97
6. Ch. 211 - Grants for Regional Collection Centers	6/16/97	7/16/97	8/11/97	8/08/97	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
7. Ch. 213 - Packaging --- Heavy Metal Content	5/19/97	6/18/97	7/08/97	7/08/97	*8/18/97	*8/18/97	*9/10/97	*10/06/97	*10/15/97
8. Ch. 214 - Household Hazardous Materials Program	6/16/97	7/16/97	8/11/97	8/08/97	*9/15/97	*9/15/97	*10/08/97	*11/10/97	*11/12/97
9. Ch. 218 - Waste Tire Stockpile Abatement Program	5/19/97	6/18/97	7/08/97	7/10/97	*8/18/97	*8/18/97	*9/10/97	*10/06/97	*10/15/97

VARIANCE REPORT
June 1997

No	Facility	Program	Engineer	Subject	Decision	Date
1	Lennox Industries-Marshalltown	Air Quality		Permit Requirements	Approved	06/23/97
2	New Hampton Municipal Utilities	Air Quality	Associated Consultants Engineers, Inc.	Permit Requirements	Approved	06/02/97
3	Vermeer Manufacturing Co.-Pella	Air Quality		Permit Requirements	Approved	06/09/97
4	Avery, City of-(Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Access Road	Denied	06/05/97
5	Avery, City of-(Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Lagoon Riprap	Approved	06/05/97
6	Avery, City of-(Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Pond Influent Piping	Approved	06/05/97
7	Avery, City of-(Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Number of Lagoon Cells	Approved	06/05/97
8	Avery, City of-(Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Inter-Cell Control Structures	Approved	06/05/97
9	Avery, City of-(Rathbun Regional Water Association)	Wastewater Construction	McClure Engineering Company	Directional Boring, Sewer Slope	Approved	06/24/97
10	Corning, City of	Wastewater Construction	Howard R. Green Company	Minimum Sewer Size	Approved	06/27/97
11	Thunder Ridge Estates-Dubuque County	Wastewater Construction	Fox Engineering	Site Separation	Approved	06/10/97
12	Council Bluffs, City of-Mall of the Bluffs Pedestrian Bridge, Mosquito Creek	Flood Plain	HGM Associates, Inc.	Freeboard	Approved	06/06/97

13	Davenport, City of	Wastewater Operation		Monitoring Frequency	Approved	06/25/97
14	Harrison County Sanitary Landfill (Closed Site)	Solid Waste	Olsson Associates	Gas Control	Approved	06/24/97
15	Fremont, City of	Watersupply Construction	French-Reneker-Associates	Installation Procedures	Approved	06/18/97
16	Greenwood Acres-Polk County	Watersupply Construction	Lee Engineers & Surveyors	Construction Materials	Approved	06/25/97
17	Mitchell Dam Bar-City of Mitchell-(Stanley R. Walk, Applicant)	Watersupply Construction	WHKS Engineers	Siting Criteria	Approved	06/09/97
18	New Liberty, City of	Watersupply Construction	Hart-Frederick Consultants	Design Basis	Approved	06/10/97
19	Shelby, City of	Watersupply Construction	Layne-Western, Valley, NE	Siting Criteria	Approved	06/03/97

June 1, 1997, through June 30, 1997, 81 reports of hazardous conditions were received. A summary is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling & Storage	Pipe-line	Highway Incident	RR Incident	Fire	Other
Oct.	52(64)	28(37)	10(9)	14(18)	31(21)	0(0)	13(35)	4(3)	0(1)	4(4)
Nov.	33(52)	18(34)	9(7)	6(11)	16(25)	0(4)	12(21)	2(1)	0(0)	3(1)
Dec.	33(56)	20(30)	3(11)	10(15)	16(28)	1(2)	12(21)	0(2)	1(1)	3(2)
Jan.	39(42)	28(18)	49(10)	7(14)	20(24)	1(0)	15(13)	2(1)	0(0)	1(4)
Feb.	54(55)	29(36)	7(11)	18(8)	29(37)	2(1)	20(12)	1(2)	2(1)	0(2)
Mar.	53(59)	37(44)	9(6)	7(9)	29(29)	0(0)	16(28)	4(0)	0(0)	4(2)
Apr.	64(93)	33(41)	25(37)	6(15)	28(37)	0(1)	30(36)	2(3)	0(2)	4(14)
May	103(100)	35(46)	53(34)	15(20)	33(31)	2(2)	61(58)	4(1)	1(0)	2(8)
Jun.	81(67)	42(38)	20(19)	19(10)	49(26)	3(3)	23(30)	6(1)	0(0)	0(7)

(numbers in parentheses for the same period in fiscal year '96)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
19	12	9	5	21	15

ENFORCEMENT REPORT UPDATE

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Austin J. DeCoster Sow Unit #11, Wright Co. (2)	Wastewater	Prohibited Discharge	Consent Order	5/30/97
Austin J. DeCoster Sow Unit #13, Wright Co. (2)	Wastewater	Prohibited Discharge	Consent Order	6/04/97
Robert P. Frees; Elizabeth R. Mathes, Washington Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty \$1,000	6/10/97
Austin J. DeCoster Finishing Unit #6; Finishing Unit #7, Hamilton Co. (2)	Wastewater	Prohibited Discharge	Consent Order	6/20/97
Advanced Technologies Corp., Iowa City (6)	Air Quality	Asbestos	Referred to AG	6/20/97
R.B. Schoenherr d/b/a Long Branch Tavern, Monmouth (1)	Drinking Water	Permit Renewal	Referred to AG	6/20/97
Austin J. DeCoster, Sow Unit #11, Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to AG	6/20/97
Country Pumpkin, Inc. Deloit (4)	Drinking Water	Monitoring/Reporting-Bacteria; Nitrate; Public Notice	Order/Penalty \$5,000	6/30/97
Biovance Technologies, Inc. Oskaloosa (5)	Air Quality	Emission Standards	Order/Penalty \$4,000	6/30/97

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94

*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	12-06-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R.V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
*Woden-Crystal Lake Comm. School District (Crystal lake)	AQ	1,000	8-01-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	500	9-22-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (Des Moines)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Gassman's MHP & Spruce Harbor Inn (Dubuque)	WS	4,500	12-26-96
Mark Anderson d/b/a Westside Park for Mobile Homes;	AQ/SW	1,000	1-03-97
M A, Inc. (Burlington)			
#Eugene VanDenBerghe (Scott Co.)	WW	2,000	1-06-97
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
*First United Methodist Church (Ft. Madison)	AQ	500	2-01-97
J.F.V. Corporation; Frank Hawk; Sharon Hawk (Prole)	UT	600	2-19-97
*Orville Long (Polk Co.)	SW	400	3-10-97
Thurman, City of	WR	100	3-17-97
Ballard Golf & Country Club (Story Co.)	WR	100	3-23-97
Rodney, City of	WS	100	4-07-97
Hofer's Danceland Ballroom (Walford)	WS	3,188	4-19-97
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	9,530	6-05-97
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Tom Ashland (Clear Lake)	UT	5,300	6-04-97
Fibred-Iowa, Inc. (Iowa Falls)	AQ	2,000	7-29-97
Muscatine, City of	SW	2,000	8-03-97
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97

Deer Ridge Estates (Ottumwa)	WS	100	----
Country Pumpkin (Deloit)	WS	500	----
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000	----
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000	----
TOTAL		149,888	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
TOTAL		33,179	

The following administrative penalties have been appealed:

AMOUNT	NAME/LOCATION	PROGRAM
	Joe Eggers, Jr., et.al. (St. Ansgar)	SW 1,000
	Hickory Hollow Water Co. (Ankeny)	WS 400
	Wayne Transportation, Inc. (Greene)	WW 1,000
	Mulgrew Oil Company (Dubuque)	HC 500
	Charles Kerr (Sloan)	UT 600
	Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW 1,000
	Plymouth Cooperative Oil Co. (Hinton)	WW 1,000
	Randy Bonin/Vickie Brannick (Hardin Co.)	SW 500
	Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT 300
	King's Terrace Mobile Home Court (Ames)	WW 500
	ITWC, Inc. (Malcom)	AQ 1,000
	Frank Hulshizer (Benton Co.)	SW 500
	Pirelli Armstrong Tire Corp. (Polk Co.)	SW 1,000
	LeMars, City of	WW 5,000
	Crane Co. d/b/a Crane Valves (Washington Co.)	SW 500
	Donald Udell (Plymouth Co.)	SW 1,000
	Oakwood Park Water, Inc. (Ankeny)	WS 1,000
	U.S. Dept. of Defense (Sioux City)	UT 5,720
	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ 3,000
	Coastal Mart, Inc.-Store #1081 (Davenport)	UT 5,320
	Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT 10,000

Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Tom Wiseman (Sheffield)	UT	3,500
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (Council Bluffs)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Economy Solar Corp.; Jeffrey C. Intlekofer (Cedar Rapids)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	AQ/SW	2,000
Shell Rock Products, Inc. (Butler Co.)	AQ/SW	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800

Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
#Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
#C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000
Marvin Low d/b/a Low's DX (Toledo)	UT	10,000
Carroll, City of	WS	3,000
Todd L. Salow (Washington)	AQ/SW	5,000
Camp Golden Valley (Lockridge)	WW	5,700
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000
#Rod Bice (Boone Co.)	WW	500
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Craig Burgin (Indianola)	UT	600
Wayne Johnson (Rockford)	AQ/SW	1,000
Sylvan Acres (Janesville)	WS	1,000
Paul Behounek; Todd Behounek (Tama Co.)	AQ/SW	7,100
Delaware County Landfill, Inc.	SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Carroll Etchen (Clear Lake)	UT	10,000
Kruger Seed Co. (Dike)	AQ	3,000
Al DeCarlo Demolition Co. (Des Moines)	AQ	5,000
Ritchie Industries, Inc. (Conrad)	AQ	3,000
Bob Luke d/b/a D & R Tree Service (Washington)	AQ/SW	1,000
	TOTAL	440,253

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
#Grand Prix Pork, Ltd. (Kossuth Co.)	WW	1,000
Nature of Iowa, Inc. (Humboldt Co.)	WW	1,000
*Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	100
*#Gary Watson (Cerro Gordo Co.) PAID IN FULL	WW	350
#World Wide Pig, L.L.C. (Hamilton Co.)	WW	10,000
Randy Harbach; Randy's Sanitation; Randy Harbach Enterprises (Delaware Co.)	SW	2,000
TOTAL		14,450

ATTORNEY GENERAL REFERRALS
July 1, 1997

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	NEW Air Quality	Asbestos	Referred to Attorney General	Referred	6/20/97
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
Beaver, Jody Cedar Co. (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred	7/28/95
DeCoster, A.J. Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Defendant's Motion to Compel State's Motion to Extend Pleadings Hearing Order Denying Defendant's Motion Order Granting State's Motion Defendants Motion for Reconsideration Order Denying Defendant's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 10/03/96 10/15/96 10/21/96 10/28/96 10/28/96 11/06/96 11/21/96 11/27/96 12/20/96 12/20/96 1/28/97- 2/06/97 2/11/97

Post Trial Briefs	2/21/97
Ruling (\$59,000/Civil)	3/05/97
Defendant 179(b) Motion	3/28/97
Defendant's Notice of Appeal	4/04/97

DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
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DeCoster, Austin J. Sow Unit #1 (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Trial Date	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 9/16/97
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DeCoster, Austin J. Sow Unit #1; Nursery Unit #7 Wright Co. (2) NEW	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/20/97
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Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
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Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 1/03/97
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Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
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ESCORP/Cryotech Ft. Madison (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/17/95 4/11/97
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ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred	9/16/96
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Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	12/18/95 4/18/96 11/01/96
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Humiston, Fred d/b/a Cedar River Trailer Park	Drinking		Referred to		
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Letts (6)	Water	MCL-Nitrate	Attorney General	Referred	9/16/96
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Wastewater	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Underground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth NEW (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred	6/20/97

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Underwood, Paul d/b/a
Underwood Excavating and
Demolition
Cedar Rapids (1)

Air Quality

Asbestos

Order/Penalty

Referred
Motion for Judgment

5/15/95
8/15/96

CONTESTED CASES

July 1, 1997

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring.
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST fund eligibility by county..
12-03-90	United States Gypsum Co.; Smitty's Oil	Site Registry	HC	Preziosi	Plan approved by DNR pursuant to court order. Closed.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing slowly due to illness.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR completed. Finalizing.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Warning letter sent 1/25/95. No.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant completing financial.
6-23-92	Chickasaw County Board of Supervisors,	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Letter regarding.
8-06-92	Randy Bonin and Vickie Brannick	Admin. Order/Penalty	SW	Kennedy	Clean-up progress is slow. Appellant's attorney to reply by.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Wornson	Financial inability claimed. Insufficient documentation.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from.
1-22-93	Pirelli Armstrong Tire Co.	Admin. Order/Penalty	SW	Kennedy	F.O. 5 to meet with company 2/26/96 regarding land application.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for.
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.

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6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement close.
7-06-93	Dennis E. Good	Admin. Order	UT	Womson	Compliance initiated 12/23/96.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp;	Admin. Order	UT	Womson	Settlement expected. SCR submitted. Revision required under
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Womson	SCRs on the site and several others in Sioux City under review..
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Awaiting summary of issues from attorney.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Womson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested
3-08-94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger	Admin. Order/Penalty	UT	Womson	All SCRs received. Proposal for compliance sent 8/13/96.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Womson	Untimely appeal. Compliance 3/97. Negotiating penalty.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Insurance to qualify for remedial benefits unpaid. Issued second
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal -
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	Letter to revoke permit sent 6/9/97.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Attny. filing for FUND
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations 8/26/96.
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding reorganization
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required -
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Settlement offer made 1/23/96. FO rejected offer.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Womson	Inability to pay documented. County took tax deed. Contact
10-26-94	Boomsma's Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens;	Admin. Order/Penalty	UT	Womson	District Court for judicial review. Fund eligible. Compliance
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - request documentation.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Womson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept.
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer.
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Womson	Inability to pay. Forms sent. No response. Follow-up - 3/96. 1/97
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 5/23/96. Facility to submit written
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 1/23/96 regarding
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty	Admin. Order/Penalty	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-09-95	Don Peterson d/b/a Peterson Backhoe	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting final penalty payment.

6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin. Order/Penalty	WS	Hansen	Informal meeting held 3/8/96. 4/25/96 follow-up letter to facility.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress - 4/96.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Order rescinded 11/96.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Womson	Fund eligible. Tier 1 required.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Womson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Womson	Compliance initiated. Selected for innovative technology project.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 7/28/97 on penalty issue only.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Clean-up progressing. Working with F.O. #6. Receiving penalty
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Current owner to complete SCR.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing. Technical staff to meet with company
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility
1-19-96	Bill Shirbroun d/b/a Was Broken Pallet	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks removed.
1-24-96	Jolly Roger Campground	Admin. Order/Penalty	WW	Clark	Settlement payment due 7/1/97.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due
1-30-96	Dean Williams d/b/a Williams Oil Co.	Admin. Order/Penalty	UT	Womson	Hearing set for 8/23/97.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Womson	Hearing held 11/7/96. Brief submitted. ALJ decision received - no
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-11-96	Marlin Brenneman	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement
5-08-96	Vernier Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order. Engineering staff to visit site 6/11/97.

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5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and
5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-17-96	Winsor Oil Co., Inc. ; Joyce Winsor	Admin. Order/Penalty	UT	Womson	Compliance initiated. CADR received/approved.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. &	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc.	Admin. Order/Penalty	WW/FP	Clark	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 -	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/02/96	Gene Hammen d/b/a Maple Grove Hog	Permit Denial	WW	Clark	Hearing held 9/23/96. Proposed decision 2/10/97. Appealed to
8/09/96	Gene and Margaret Palmersheim d/b/a G & M	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design (Monfort)	Admin., Order/Penalty	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Womson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 -	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Womson	New case. Tanks temporarily closed. Negotiating penalty.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to Corrosion	UT	Womson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Hearing held 5/6, 7, 15, 28/97.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty	SW	Murphy	Hearing held 5/6, 7, 15, 28/97.
12/11/96	Ames, City of	Denial of Waiver	WS	Hansen	Hearing held 3/12/97. ALJ decision 4/4/97 upholding Dept.
1/02/97/	Ruan Leasing Co., aka Ruan Transportation	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/20/97	Iowa Tanklines, Inc.	Admin. Order/Penalty	UT	Womson	Penalty received. Settled.
1/22/97	Rock Island District Corps of Engineers	401 Certification Denial	WQ	Hansen	Hearing held 5/22-23/97. Briefs submitted to ALJ.
1/23/97	Rod Bice	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage &	Admin. Order/Penalty	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Womson	Compliance initiated.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
3/04/97	Q.C. Metallurgical Laboratory	Lab Cert. Revocation	UT	Womson	Interim settlement reached.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.

3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
4/01/97	Ralston Purina	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing..
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
5/16/97	Carroll Etchen	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
5/16/97	Brittany Estates Addition	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5/23/97	Ricahrd A. Girres	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/06/97	Al DeCarlo Demolition Co.	Admin. Order/Penalty	AQ	Preziosi	New case.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	New case.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	New case.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	New case.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Kennedy	New case.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	New case.

Mr. Stokes presented the monthly reports and discussed the variances for the City of Avery and the Rathbun Regional Water Association.

Rozanne King asked for additional, more detailed information on their pilot project.

Mr. Stokes indicated that he will present that information next month.

Chairman Ehm asked for a report next month on the national pork group Mr. Stokes has been involved with, and Mr. Stokes indicated he will provide that report.

Mr. Stokes discussed the multi-media permit group and public notice and comment period procedure for permits.

Mr. Stokes gave an update on the Client Contact Group's last meeting.

INFORMATIONAL ONLY

CONTRACT FOR VOLUNTARY STATE OPERATING PERMITS FOR AIR EMISSION SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department has received over 120 voluntary operating permit applications from Iowa facilities. These facilities are major sources which would be required to apply for a Title V permit; however, these facilities have elected to take voluntary controls to bring them below the major source threshold levels. The voluntary controls these facilities have elected to take on their potential-to-emit must be incorporated into a federally enforceable state operation permit to relieve them of Title V requirements. Applications for a Voluntary State Operating Permit have

been set aside while operating permits staff are reviewing and processing Title V permit applications.

The Department published a notice on March 11, 1997, of its intention to issue a contract for technical services for the review and draft preparation of up to 300 voluntary operating permits. Seven firms submitted proposals with sealed bids. The top three firms were selected for further consideration, based on the technical review of the proposals. Bids were then opened.

The three top qualified firms were interviewed. Following the interview, the three candidates were then re-evaluated based on technical merits and cost.

FIRM	Bid Amount	Rank
Black and Veatch	\$146,380.80	1st
Jacobs Engineering Group	\$375,000.00	2nd
General Engineering Laboratories Inc.	\$368,000.00	3rd

The Commission is asked to approve the issuance of the contract with the contractor preference in the order as presented in the above table; Black & Veatch being the preferred contractor.

Mr. Stokes gave a detailed explanation of the contract and noted that he placed a Contract Award Process Summary at each Commissioner's work place.

Motion was made by Terrance Townsend to approve the contract for Voluntary State Operating Permits for Air Emission Sources with Black and Veatch in the amount of \$146,380.80. Seconded by Rozanne King. Motion carried unanimously.

Discussion took place regarding the disparity in the bid amount by Black and Veatch in comparison with the others.

APPROVED AS PRESENTED

PROPOSED RULE--CHAPTER 44, DRINKING WATER REVOLVING FUND

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission will be provided copies of proposed drinking water revolving loan fund rules at the July meeting. On August 6, 1996 the President signed the Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104-182). Section 1452 of this Act authorizes the U.S. Environmental Protection Agency (EPA) to establish a State Revolving Loan Fund for drinking water-related projects to assist water systems to finance the costs of infrastructure needs and to maintain compliance with SDWA requirements. Authorizing legislation to set up this drinking water facilities fund in Iowa (House File 191) was approved by

the Governor in March. Funds available to provide loan assistance this Fiscal Year will be approximately \$ 16.86 million due to these amendments and the attached enabling rules. The intended rules include:

- Definitions of the fund's purpose, including the department's intent to utilize various authorized set-aside provisions within the fund.
- Thresholds for water systems to become eligible for loan assistance.
- ~~A proposed ranking system.~~
- Provisions for working with the Iowa Finance Authority, which will be the entity which issues bonds maintain the proposed loan fund.

The proposed rules are written as a new Chapter 44 to the Department's Division B - Drinking Water administrative rules.

Mr. Stokes presented details of the rule.

Brief discussion followed.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 50, 51, AND 52, AGRICULTURAL DRAINAGE WELLS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with draft rules concerning agricultural drainage wells. The draft rules will reflect the specific requirements of SF473 (e.g., closure of some wells, removal of surface intakes) as well as contain other requirements necessary to implement a comprehensive program to prevent contamination from agricultural drainage wells as directed by the 1987 Iowa Groundwater Protection Act.

Mr. Stokes explained the rules in detail.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 65, ANIMAL FEEDING OPERATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with draft rules which would amend Chapter 65, Animal Feeding Operations. At their June meeting, the Commission was provided with recommendations from the Animal Agricultural Consulting Organization (ACCO) for rule

amendments. Department staff also presented alternative rule language where staff recommendations differ from ACCO recommendations.

The ACCO will be meeting on July 14 to discuss the Department's concerns on several issues and will be formulating their final recommendations. The draft rules presented to the Commission will reflect the final recommendations of ACCO as well as alternative language from the staff if consensus is not reached on all issues.

Comparison of AACO & DNR Recommendations 7-21-97 UA

Agricultural Drainage Wells

AACO and DNR Recommendation: The Environmental Protection Commission should promulgate rules to prohibit the spray irrigation of wastewater on fields which drain into active agricultural drainage wells and add to the rules the provisions of Senate File 473 prohibiting the construction or expansion of earthen wastewater structures within the drainage area of agricultural drainage wells. The following language is recommended:

- Amend 65.1 by adding the following definitions:

"Agricultural drainage well" means a vertical opening to an aquifer or permeable substratum which is constructed by any means including but not limited to drilling, driving, digging, boring, augering, jetting, washing, or coring, and which is capable of intercepting or receiving surface or subsurface drainage water from land directly or by a drainage system.

"Agricultural drainage well area" means an area of land where surface or subsurface water drains into an agricultural drainage well directly or through a drainage system connecting to the agricultural drainage well.

- Amend rule 65.2(10) by adding a new section as follows:

g. Agricultural drainage wells. Manure shall not be applied by spray irrigation equipment on land located within an agricultural drainage well area.

- Amend rule 65.15 by adding a new section 65.15(16) as follows:

(16) Agricultural drainage wells. After May 29, 1997, a person shall not construct a new or expand an existing earthen aerobic structure, earthen anaerobic lagoon, earthen manure storage basin, earthen waste slurry storage basin, or earthen egg washwater storage structure within an agricultural drainage well area.

Concrete Formed Manure Storage Structure Design and Construction Standards

AACO and DNR Recommendation: The EPC should amend rule 65.15 by adding a new subsection establishing concrete formed manure storage structure standards and worded as follows:

65.15(14) Concrete Standards. A concrete formed manure storage structure, other than for the storage of manure in an exclusively dry form in a roofed structure, that is part of a confinement feeding operation which receives a construction permit after the effective date of these rules shall meet the minimum design and construction standards as described in this rule.

a. All concrete used in the construction of the formed manure storage structure shall have a minimum compressive strength of 4000 pounds per square inch (psi) as batched and delivered for use and meet the engineering design standards as placed. However, the minimum compressive strength for concrete used in footings shall be 3000 psi as batched and delivered for use and meet the engineering design standards as placed. All rebar used in the construction of the concrete formed manure storage structure shall be made of a minimum of grade 40 steel.

b. The floor of a concrete formed manure storage structure shall be a minimum of five inches thick. The floor of any concrete formed manure storage structure with a designed manure storage depth of forty-eight inches or more shall be reinforced with a minimum of either 6x6x10x10 steel wire mesh or #4 rebar placed a maximum of eighteen inches on center in each direction, or the steel equivalent.

c. The load-bearing walls of any concrete formed manure storage structure with a designed manure storage depth of less than one hundred and twenty inches shall be a minimum of six inches thick. The load-bearing walls of any concrete formed manure storage structure with a designed manure storage depth of one hundred and twenty inches or greater shall be a minimum of eight inches thick. The walls shall be reinforced with a minimum of either #4 rebar placed a maximum of eighteen inches on center in each direction or the steel equivalent.

d. All load-bearing walls shall be formed with rigid forming systems and shall not be ground formed.

e. All construction joints of the formed manure storage structure shall be poured to prevent discontinuity of steel and concrete and have rebar placed through the joint that is properly spliced and overlaid.

Earthen Manure Storage Structure Design Standards

AACO and DNR Recommendation: The following rule language should be adopted for earthen manure storage structure design standards:

- Strike the current wording of rule 65.15(6) and replace with the following:

65.15(6) Soil Testing. All subsurface soil classification shall be based on American Society for Testing and Materials Designations D 2487-92 or D 2488-90. Soil borings shall be taken to determine subsurface soil characteristics and groundwater elevation and direction of flow of the proposed site for the anaerobic lagoon, aerobic structure, or earthen manure storage basin, and shall be conducted by a qualified person normally engaged in soil testing activities. Data from the soil borings shall be submitted and shall include a description of the geologic units

encountered, and a discussion of the effects of the soil and groundwater elevation and direction of flow on the construction and operation of the anaerobic lagoon, aerobic structure, or earthen manure storage basin. All soil borings shall be taken by a method that identifies the continuous soil profile and does not result in the mixing of soil layers. The number and location of the soil borings will vary on a case-by-case basis as determined by the designing engineer and accepted by the department. The following are minimum requirements:

a. A minimum of three borings are required for an anaerobic lagoon, aerobic structure, or earthen manure storage basin ½ acre water surface area or less, and four or more for an anaerobic lagoon, aerobic structure, or earthen manure storage basin larger than ½ acre. For an anaerobic lagoon, aerobic structure, or earthen manure storage basin larger than 4 acres water surface area, one additional boring per acre is required for each acre above 4 acres surface area.

b. All borings shall be taken to a minimum depth of ten feet below the bottom elevation of the anaerobic lagoon, aerobic structure, or earthen manure storage basin.

c. At least one boring shall be taken to a minimum depth of 25 feet below the bottom elevation of the anaerobic lagoon, aerobic structure, or earthen manure storage basin or into bedrock, whichever is shallower

d. Upon abandonment of the soil bore holes, all soil bore holes including those developed as temporary water level monitoring wells shall be plugged with concrete, Portland cement concrete grout, bentonite, or similar materials.

- Strike rule 65.15(12) and replace it with the following:

65.15(12) *Aerobic structure, anaerobic lagoon, or earthen manure storage basin liner design and construction standards.* An aerobic structure, anaerobic lagoon or earthen manure storage basin which receives a construction permit after the effective date of these rules shall comply with the following minimum standards in addition to rule 65.15(11).

a. If the location of the proposed aerobic structure, anaerobic lagoon or earthen manure storage basin contains suitable materials as determined by the soil borings taken in rule 65.15(6), those materials shall be compacted to establish a minimum of a twelve inch liner. A minimum initial overexcavation of six inches of material shall be required. The underlying material shall be scarified, reworked and compacted to a depth of six inches. The overexcavated materials shall be replaced and compacted.

b. If the location of the proposed aerobic structure, anaerobic lagoon or earthen manure storage basin does not contain suitable materials as determined by the soil borings taken in rule 65.15(6), suitable materials shall be compacted to establish a minimum of a twenty-four inch liner.

c. Where sand seams, gravel seams, organic soils or other materials that are not suitable are encountered during excavation, the area where they are discovered shall be overexcavated a minimum of twenty-four inches and replaced with suitable materials and compacted.

d. All loose lift material must be placed in lifts of nine inches or less and compacted. The material shall be compacted at or above optimum moisture content and meet a minimum of 95% of the maximum density as determined by the Standard Proctor test after compaction.

e. For purposes of this rule, suitable materials means soil, soil combinations or other similar material that is capable of meeting the permeability and compaction requirements. Sand seams, gravel seams, organic soils or other materials generally not suitable for anaerobic lagoon,

aerobic structure, or earthen manure storage basin construction are not considered suitable materials.

f. As an alternative to the above standards, a synthetic liner may be used. The area where the proposed aerobic structure, anaerobic lagoon or earthen manure storage basin will be located shall be appropriately prepared to support the liner. Preparation of the area and selection and installation of the synthetic liner shall be conducted in accordance with requirements of U.S.D.S. Natural Resources Conservation Service Technical Guide Standard 521 Pond Sealing or other methods which provide an equivalent level of groundwater protection.

Note: DNR continues to seek information on other possible synthetic liner standards, and will request persons having pertinent information on possible standards to submit such information to the Department during the period the proposed rules are under public notice.

Technical Amendment to Existing Rules Regarding Soil Borings

Because of the preceding amendments to rules 65.15(6), the following technical amendments must be made in 65.8(1)(g):

g. A report on soil borings in the area of the aerobic structure (if earthen), anaerobic lagoon, egg washwater storage structure (if earthen), or earthen manure storage basin as described in rule 65.15(6). ~~if a lagoon, structure or basin is being constructed.~~ A minimum of three borings are required for structures of ½ acre water surface area or less, and four or more for structures larger than ½ acre. For structures larger than four acres water surface area, one additional boring per acre is required for each acre above four acres. ~~More borings may be required by the department if the borings show inconsistent soils.~~ All borings shall be taken to a minimum of 10 feet below the bottom elevation of the proposed structure and one boring must be taken to 25 feet below the bottom.

Erosion Control Methods

AACO and DNR Recommendation: A new rule subsection 65.15(15) containing the following language should be adopted for controlling erosion in anaerobic lagoons, aerobic structures, earthen manure storage basins, earthen waste slurry storage basin, or earthen egg washwater storage structures:

65.15(15) *Berm erosion control.*

(a) The following requirements shall apply to anaerobic lagoons, earthen aerobic structures, or earthen manure storage basins which receive a construction permit after the effective date of these rules:

(1) Concrete, rip-rap, synthetic liners or similar erosion control materials or measures shall be used on the berm surface below pipes where manure will enter the anaerobic lagoon, aerobic structure, or earthen manure storage basin.

(2) Concrete, rip-rap, synthetic liners or similar erosion control materials or measures of sufficient thickness and area to accommodate manure removal equipment and to protect the integrity of the liner shall be placed at all locations on the berm, side-slopes, and base of the

anaerobic lagoon, aerobic structure, or earthen manure storage basin where agitation or pumping may cause damage to the liner.

(3) Erosion control materials or measures shall be used at the corners of the anaerobic lagoon, aerobic structure, or earthen manure storage basin.

b. The owner of a confinement feeding operation with an anaerobic lagoon, earthen aerobic structure, earthen manure storage basin, earthen waste slurry storage basin, or earthen egg washwater storage structure shall inspect the structure berms at least semi-annually for evidence of erosion. Erosion problems found which may impact either structural stability or liner integrity shall be corrected in a timely manner.

Hydrology

AACO Recommendations: AACO recommends striking the current rule 65.15(7)(a) and replacing it with the following new rule language for managing the hydrology of an anaerobic lagoon, aerobic structure, or earthen manure storage basin site:

65.15(7) Hydrology. The following requirements shall apply to confinement feeding operations which are required to obtain a construction permit.

a. Groundwater table. A minimum separation of four feet between the top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor and the groundwater table is recommended. The top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor shall be at least two feet above the groundwater table unless the applicant selects in the permit application and implements one of the following options to manage the groundwater movement during operation of the manure storage structure. In addition, the permit application shall include a description of the methods that will be used to manage the groundwater movement during and following construction of the aerobic structure, anaerobic lagoon, or earthen manure storage basin.

(1) If the groundwater table is less than two feet below but not above top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor, the aerobic structure, anaerobic lagoon, or earthen manure storage basin shall be provided with a synthetic liner as described in 65.15(12)(f).

(2) For an anaerobic lagoon or earthen aerobic structure, the groundwater table shall not be above fifty percent of the minimum design volume as defined in rule 23.5(1)(b). During removal of manure from the lagoon, the manure liquid level shall not be lowered more than twelve inches below the monitored groundwater table as measured by the monitoring system. The confinement feeding operation shall install a monitoring system to determine the monitored groundwater table and anaerobic lagoon or earthen aerobic structure liquid levels. This option shall not apply to an earthen manure storage basin.

(3) If the groundwater table is less than two feet below the top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor, the groundwater table shall be below the highest level of the first continuous layer of low permeability soil located below the normal soil surface. The first continuous layer of low permeability soil shall be at least five

feet thick and extend to two feet below the bottom of the aerobic structure, anaerobic lagoon, or earthen manure storage basin.

(4) If the groundwater table is above the bottom of the aerobic structure, anaerobic lagoon, or earthen manure storage basin, a slurry wall shall be installed to extend from the soil surface to a depth at least two feet into the first continuous layer of low permeability soil located below the normal soil surface. The layer shall be at least five feet thick and extend to at least two feet below the bottom of the aerobic structure, anaerobic lagoon, or earthen manure storage basin. A slurry wall shall consist of a bentonite amended soil, or similar impervious materials, in a trench no less than two feet wide encompassing the aerobic structure, anaerobic lagoon, or earthen manure storage basin. A slurry wall shall provide for seepage loss through the wall that is as low as practically possible. The permeability, as laboratory tested, shall be less than or equal to 10^{-7} centimeters per second. Following construction of the aerobic structure, anaerobic lagoon, or earthen manure storage basin and slurry wall, the results of a testing program which indicates the adequacy of the slurry wall shall be provided to the department in writing prior to start-up of the operation.

(5) A method approved by the department which adequately manages groundwater movement and liner integrity.

DNR Recommendation: DNR does not recommend adoption of the AACO recommendations. Instead, DNR recommends rule 65.15(7)(a) be revised as follows:

a. Groundwater table. A minimum separation of four feet between the ~~lagoon or basin seal top of the liner on an earthen aerobic structure, anaerobic lagoon, or earthen manure storage basin floor~~ and the ~~maximum~~ groundwater table is recommended: however, in no case shall the top of the ~~lagoon or basin seal liner on an aerobic structure, anaerobic lagoon, or earthen manure storage basin floor~~ be below the groundwater table. If the ~~maximum anticipated~~ groundwater table is less than two feet below the ~~bottom of the lagoon or basin top of the liner on the aerobic structure, anaerobic lagoon, or earthen manure storage basin floor~~, the ~~lagoon or basin aerobic structure, anaerobic lagoon, or earthen manure storage basin~~ shall be provided with a synthetic liner as described in 65.15(12)(f). Provisions for the permanent artificial lowering of perched groundwater layers on a site may be considered on a case-by-case basis.

Artificial Lowering of the Groundwater Table

AACO Recommendation: AACO recommends rule 65.15(7)(b) be modified by striking the current wording and replacing it with the following:

b. Permanent artificial lowering of groundwater table. The groundwater table around an anaerobic lagoon, aerobic structure, or earthen manure storage basin may be artificially lowered to levels required in subrule (a) by using a tile drainage system or other permanent system for artificial lowering of the groundwater table. Detailed engineering and soil drainage information shall be provided to confirm the adequacy of the proposed permanent system to provide the drainage required. (See rule 65.15(1) for monitoring and shutoff requirements for drainage tile lines installed to lower the groundwater table.) For formed manure storage structures partially or completely constructed below the normal soil surface, a tile drainage

system or other permanent system for artificial lowering of groundwater levels shall be installed around the structure if the groundwater table is above the bottom of the structure.

DNR Recommendation: DNR recommends rule 65.15(7)(b) be modified by striking the current wording and replacing it with the following:

b. *Permanent artificial lowering of groundwater table.* The groundwater table around an anaerobic lagoon, aerobic structure, or earthen manure storage basin may be artificially lowered to levels required in subrule (a) by using a gravity flow tile drainage system or other permanent non-mechanical system for artificial lowering of the groundwater table. Detailed engineering and soil drainage information shall be provided to confirm the adequacy of the proposed permanent system to provide the required drainage without materially increasing the seepage potential of the site. (See rule 65.15(1) for monitoring and shutoff requirements for drainage tile lines installed to lower the groundwater table.) For formed manure storage structures partially or completely constructed below the normal soil surface, a tile drainage system or other permanent system for artificial lowering of groundwater levels shall be installed around the structure if the groundwater table is above the bottom of the structure.

Determining Groundwater Table

AACO Recommendation: AACO recommends 65.15(7) be amended by adding a new subsection 65.15(7)(c) as follows:

(c) *Groundwater table.* For purposes of this rule, groundwater table means the average annual high water table determined by the licensed professional engineer, and approved by the department in the construction permit application, pursuant to this subrule. The approved groundwater table shall be measured using three temporary monitoring wells by measuring the water level seven days after installation. The borings required in rule 65.15(6) may be completed as temporary monitoring wells for this purpose. The monitoring well measurements, along with evaluation of site soils for indicative features such as color and mottling, other existing water table data, and other pertinent information showing the average annual high water table shall be used to determine the groundwater table.

DNR Recommendation: DNR recommends 65.15(7) be amended by adding a new subsection 65.15(7)(c) as follows:

(c) *Groundwater table.* For purposes of this rule, groundwater table means the average annual high water table determined by the licensed professional engineer, and approved by the department, pursuant to this subrule. Current groundwater levels shall be measured using three temporary monitoring wells by measuring the water level seven days after installation. The borings required in rule 65.15(6) may be completed as temporary monitoring wells for this purpose. The monitoring well measurements, along with evaluation of site soils for indicative features such as color and mottling, other existing water table data, and other pertinent information shall be used to determine the average annual high water table. If a drainage system

for artificially lowering the groundwater table will be installed in accordance with the requirements of rule 65.15(7)(b), the level to which the groundwater table will be lowered will be considered to represent the average annual high water table.

Low Permeability Soil Definition

AACO Recommendation: AACO recommends a new subsection 65.15(7)(d) be adopted to define low permeability soils as follows:

(d.) "Low permeability" means a permeability less than or equal to 10^{-7} centimeters per second.

DNR Recommendation: A definition of "low permeability" is only needed if AACO's recommendations for modifying rule 65.15(7)(a) are adopted. Since DNR is not recommending adoption of AACO's proposed language for 65.15(7)(a), DNR is also not recommending adoption of the low permeability definition. However, if AACO's recommendations for rule 65.15(7)(a) are adopted, AACO's definition of low permeability should also be adopted.

Technical Amendment to Existing Rules Regarding Perched Groundwater Layers

AACO and DNR Recommendation: Because of the amendments being recommended to rules 65.15(7)(a) and (b), the following technical amendments are recommended in 65.15(1), 65.15(2), and 65.15(3).

- Amend 65.15(1), Drainage tile removal for new construction of a manure storage structure, as follows:

b. The drainage tile lines discovered near an aerobic structure, anaerobic lagoon or earthen manure storage basin shall be removed within 50 feet of the projected outside edge of the berm and within the projected site of the structure including under the berm. Drainage tile lines discovered upgrade from the structure shall be rerouted outside of 50 feet from the berm to continue the flow of drainage. Drain tile lines installed at the time of construction to lower a ~~perched groundwater table layer~~ may remain where located. A device to allow monitoring of the water in the drain tile lines installed to drain the ~~perched groundwater table layer~~ and a device to allow shutoff of the drain tile lines shall be installed if the drain tile lines do not have a surface outlet accessible on the property where the aerobic structure, anaerobic lagoon or earthen manure storage basin is located. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, bentonite or similar materials, or reconnected to upgrade tile lines.

c. The applicant for a construction permit for a formed manure storage structure shall investigate for tile lines during excavation for the structure. Drainage tile lines discovered upgrade from the structure shall be rerouted around the formed manure storage structure to continue the flow of drainage. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, Portland cement concrete grout or similar materials or reconnected to

upgrade tile lines. Drain tile lines installed at the time of construction to lower a ~~perched~~ groundwater table layer may remain where located. A device to allow monitoring of the water in the drain tile lines installed to drain the ~~perched~~ groundwater table layer and a device to allow shutoff of the drain tile lines shall be installed if the drain tile lines do not have a surface outlet accessible on the property where the aerobic structure, anaerobic lagoon or earthen manure storage basin is located.

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- Amend 65.15(2), Drainage tile removal around an existing manure storage structure, as follows:

d. The drainage tile lines discovered near an aerobic structure, anaerobic lagoon, earthen manure storage basin or earthen waste slurry storage basin, other than an egg washwater storage structure, shall be removed within 50 feet of the outside edge of the berm. Drainage tile lines discovered upgrade from the aerobic structure, anaerobic lagoon or earthen manure storage basin shall be rerouted outside of 50 feet from the berm to continue the flow of drainage. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, Portland cement concrete grout or similar materials, or reconnected to upgrade tile lines. Drain tile lines that were installed at the time of construction to lower a ~~perched~~ groundwater table layer may either be avoided if the location is known or may remain at the location if discovered.

e. By March 20, 1996, the owner of an aerobic structure, anaerobic lagoon, earthen manure storage structure or an earthen waste slurry storage basin, that is part of a confinement feeding operation with a construction permit granted before the date these rules are effective, including those granted before December 31, 1992, shall install a device to allow monitoring of the water in the drain tile lines installed to lower the ~~perched~~ groundwater table layer and to allow shutoff of the drain tile lines if the drain tile lines do not have a surface outlet accessible on the property where the aerobic structure, anaerobic lagoon, earthen manure storage basin or earthen waste slurry storage basin is located.

- Amend 65.15(3), Guidelines for drainage tile removal around an existing manure storage structure, as follows:

b. The drainage tile lines discovered may be removed within 50 feet of the outside edge of the berm. Drainage tile lines discovered upgrade from the structure may be rerouted outside of 50 feet from the berm to continue the flow of drainage. Drain tile lines that were installed at the time of construction to lower a ~~perched~~ groundwater table layer may either be avoided if the location is known or may remain at the location if discovered. All other drainage tile lines discovered may be rerouted, capped, plugged with concrete, Portland cement concrete grout or similar materials or reconnected to upgrade tile lines. The confinement feeding operation should either obtain permission from an adjoining property owner or trench up to the boundary line of the property if the distance of 50 feet would require the inspection trench to go onto the adjoining property.

Technical Corrections

AACO and DNR Recommendation: Adoption of the following technical corrections to the Chapter 65 rules are recommended:

1. **Explanation:** Rule 65.6(1) establishes the requirements for confinement feeding operations to obtain construction permits. Rule 65.6(1)(b) is the introductory paragraph to the specific requirements and rule 65.6(1)(b)(1) is the provision for permits for aerobic systems, lagoons, and basins.

Technical corrections:

- a. The phrase “effective date of these rules” should be replaced with “March 20, 1996.”
- b. The word “or” towards the end of the paragraph should be deleted to make the paragraph technically correct.
- c. The term “aerobic system” in 65.6(1)(b)(1) should be replaced with “aerobic structure” to coincide with the defined term and with other sections of the rules.

Therefore, the paragraph should be amended as follows:

Except as provided in subrule 65.6(2), a confinement feeding operation beginning construction, installation or modifications after March 20, 1996 ~~the effective date of these rules~~ shall obtain a construction permit prior to beginning construction, installation of an animal feeding operation structure used in that operation or prior to beginning significant modifications in the volume or manner in which the manure is stored ~~or~~ if any of the following conditions exist:

- (1) *The confinement feeding operation uses an aerobic structure ~~system~~, anaerobic lagoon or earthen manure storage basin.*

2. **Explanation:** Section 22 of H.F. 519 and section 65.7 of the rules prohibit an applicant for a construction permit for an animal feeding operation structure from beginning construction at a site until DNR has granted a construction permit. Under H.F. 519 and the rules, an aerobic structure is not included in the definition of animal feeding operation structure. However, aerobic structure is defined in the rules as “an animal feeding operation structure other than an egg washwater storage structure which employs bacterial action which is maintained by the utilization of air or oxygen and which includes aeration equipment.” In addition, rule 65.6(1)(b)(1) requires a permit for a confinement feeding operation using an aerobic system (see technical correction #1).

Technical Correction: To clarify that construction is prohibited at sites for aerobic structures until a permit has been issued, amend section 65.7 as follows:

Construction. ~~Iowa Code Supplement section 455B.173(13) prohibits an~~ An applicant for a construction permit shall not begin from beginning construction at the location of a site planned for the construction of an animal feeding operation structure, including an aerobic structure, until the person has been granted a permit for the construction of the structure by the department. For purposes of these rules:

3. **Explanation:** In 65.15(1)(b) the term “bentonite” is used where the term “Portland cement concrete grout” is used elsewhere in the rules.

Technical Correction: Amend 65.15(1)(b) as follows:

b. *The drainage tile lines discovered near an aerobic structure, anaerobic lagoon or earthen manure storage basin shall be removed within 50 feet of the projected outside edge of the berm and within the projected site of the structure including under the berm. Drainage tile lines discovered upgrade from the structure shall be rerouted outside of 50 feet from the berm to continue the flow of drainage. Drain tile lines installed at the time of construction to lower a perched groundwater layer may remain where located. A device to allow monitoring of the water in the drain tile lines installed to drain the perched groundwater layer and a device to allow shutoff of the drain tile lines shall be installed if the drain tile lines do not have a surface outlet accessible on the property where the aerobic structure, anaerobic lagoon or earthen manure storage basin is located. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, ~~bentonite~~ Portland cement concrete grout or similar materials, or reconnected to upgrade tile lines.*

4. Explanation: The last sentence of 65.15(1)(c) should refer to a formed manure storage structure instead of an aerobic structure, anaerobic lagoon or earthen manure storage basin.

Technical Correction: Amend 65.15(1)(c) as follows:

c. *The applicant for a construction permit for a formed manure storage structure shall investigate for tile lines during excavation for the structure. Drainage tile lines discovered upgrade from the structure shall be rerouted around the formed manure storage structure to continue the flow of drainage. All other drainage tile lines discovered shall be rerouted, capped, plugged with concrete, Portland cement concrete grout or similar materials or reconnected to upgrade tile lines. Drain tile lines installed at the time of construction to lower a perched groundwater layer may remain where located. A device to allow monitoring of the water in the drain tile lines installed to drain the perched groundwater layer and a device to allow shutoff of the drain tile lines shall be installed if the drain tile lines do not have a surface outlet accessible on the property where the ~~aerobic structure, anaerobic lagoon or earthen manure storage basin~~ formed manure storage structure is located.*

5. Explanation: In the 1996 legislative session, the term “registered professional engineer” was changed to “licensed professional engineer” in Chapter 542B of the Iowa Code. Therefore, the term “registered professional engineer” should be changed to “licensed professional engineer” where ever it appears in the rules.

Technical Correction: Amend Chapter 65 of DNR rules as follows:

a. *65.8(1) Confinement feeding operations. Application for a construction permit for a confinement feeding operation shall be made on a form provided by the department. The application shall include all of the information required. At the time the department receives a complete application, the department shall make a determination regarding the approval or denial of the permit within 60 days. However, the 60-day requirement shall not apply to an application if the applicant is not required to obtain a permit. A construction*

permit application for a confinement feeding operation shall include at least the following information:. . .

f. For a manure storage structure in which manure is stored in a liquid or semiliquid form or for an egg washwater storage structure, an engineering report, construction plans and specifications, prepared by a licensed ~~registered~~ professional engineer or by Natural Resources Conservation Service personnel, that detail the proposed structures. . . .

i. If the confinement feeding operation contains three or more animal feeding operation structures, a licensed ~~registered~~ professional engineer shall certify that either the construction of the structure will not impede the drainage through established drainage tile lines which cross property boundary lines or that if the drainage is impeded during construction, the drainage tile will be rerouted to reestablish the drainage prior to operation of the structure.

b. 65.16(1) Manure application rate general rules. A confinement feeding operation that is required to submit a manure management plan to the department under this rule shall not apply manure in excess of the nitrogen use levels necessary to obtain optimum crop yields. Nitrogen application rates shall be based on total nitrogen content of the manure unless the applicant submits calculations to show that crop usage rates based on plant available nitrogen have not been exceeded for the crop schedule submitted. Information to complete the required calculations may be obtained from the tables in this chapter, actual testing samples or from other credible sources including, but not limited to, Iowa State University, the United States Department of Agriculture, a licensed ~~registered~~ professional engineer, or an individual certified as a crop consultant under the American Registry of Certified Professionals in Agronomy, Crops, and Soils (ARCPACS) program, the Certified Crop Consultants (CCA) program, or the Registry of Environmental and Agricultural Professionals (REAP) program.

c. 65.17 Construction certification. A confinement feeding operation which obtains a construction permit after March 20, 1996, shall submit to the department a certification from a licensed ~~registered~~ professional engineer that the manure storage structure in which manure is stored in a liquid or semiliquid form or the egg washwater storage structure was.

1. Constructed in accordance with the design plan. If actual construction deviates from the approved plans, identify all changes and certify that the changes were consistent with the standards of these rules or statute;

2. Supervised by the licensed ~~registered~~ professional engineer or a designee of the engineer during critical points of the construction;

3. Inspected by the licensed ~~registered~~ professional engineer after completion of construction and before commencement of operation; and

4. Constructed in accordance with the drainage tile removal standards of subrule 65.15(1), and including a report of the findings and actions taken to comply with this subrule.

Mr. Stokes reviewed that last month he presented the copy of the report that was provided by AACO along with a comparison of their recommendations verses department staff recommendations. He related that staff met with AACO last week and reached consensus on all of those issues with the exception of Hydrology and the Artificial Lowering of Groundwater, which are two significant issues. He reviewed the recommendations by AACO and the department explaining the differences as well as pointing out areas where both are in agreement. Mr. Stokes stated that the department has required for a number of years that lagoons not be ~~below the groundwater table and that the bottom of the lagoon be four feet above the~~ groundwater table, or if within two feet to install a synthetic liner. He related that the AACO recommendation would make provision of matching the water level in the lagoon to the groundwater table, and it would envision the possibility for using cut off walls or a slurry wall type of installation around the lagoon to somewhat serve as a secondary containment. Mr. Stokes stated that staff firmly believe that it is not advisable to allow to purposely construct lagoons to where the bottom is below the groundwater table. He expanded on the issue of matching the water level in the lagoon to the groundwater table and problems that could arise. He also discussed artificial lowering of the groundwater table and noted that it should be done only by gravity flow means rather than through some active type of pumping structure. He related that mechanical means increase the chance of something breaking, adds more complexity to the situation, and further challenges the producer on something that is not their primary interest. Mr. Stokes listed options the Commission could take in approving the Notice of Intended Action as follows: 1) approve the notice to go to public comment with staff recommendations; (this is what the department requests) 2) take both versions out to public comment; or 3) take the AACO version out to public comment. Mr. Stokes added that staff propose six public hearings across the state. He stated that AACO would now like to make a presentation on the rules.

Appointment - Lindsey Larson

Lindsey Larson, AACO Committee, discussed hydrology and the management of groundwater and how it works with earthen structures. He outlined options AACO proposed in building structures near the groundwater table and drew examples of same on the board. He related that he agrees with DNR that if the water table is less than two feet from the liner of that structure the synthetic liner should be the choice. He stated that the second option is a structure with berms with a minimum design volume, where the groundwater table shall be no more than 50% of the minimum design volume. If it is determined the groundwater table is below that, then with approval from the department you would also have a monitoring system. When it came time to remove manure from the structure, it would be lowered no more than 12 inches below the groundwater table. He noted that in all of the AACO conversations with engineers they talked about structural integrity of the lagoon, and with the foot liners AACO proposed in suitable soils areas, and two foot liners in the other areas they felt structural integrity could be maintained by employing this system. He related that this option does not apply to earthen basins; it is only for aerobic and anaerobic lagoons. Mr. Larson stated that in option 3, the low permeability soil layer is used as an aid in maintaining structural integrity of the lagoon liner itself. He related that the low permeability under this option would be five feet thick and at least two feet below

the bottom of the liner of the lagoon, adding that the low permeability is 10^{-7} centimeters per second. He noted that the engineers felt this would be very attainable. Mr. Larson stated that option 4 is the slurry wall, and option 5 was a method by which the department and the producer in the application could come up and it would satisfy would be accrued the department.

A lengthy discussion took place regarding various aspects of the rules, particularly in regard to the one to two foot of compaction material for the liners; the number of monitoring wells that would be needed; cost difference of a two foot liner and a slurry wall; earthen storage structures; and fundamental differences between municipal wastewater lagoons and animal waste lagoons.

Motion was made by Charlotte Mohr to go to public comment with both versions of the rules. Seconded by Rozanne King.

Terrance Townsend stated that he is opposed to building anything below the groundwater level and he would support the DNR version of the rules.

Rozanne King related that she would like to hear both sides of the issue and have more information on the hydrology. She added that from what she heard today it is hard to envision that it makes much sense to build below the groundwater table.

Rita Venner commented that she supports the motion because she thinks there is a need for more public input.

Gary Priebe stated that he supports the motion but feels they should not build lagoons below the groundwater table, adding that lagoons are a disaster waiting to happen if it's an earthen structure. He related that Murphy Farms, a large facility located near his place, has gone to all above ground storage. He noted that he will support the motion because AACO has worked long and hard and deserves to be heard.

Kathryn Murphy commented that it is sending a message to the public that the Commission does not have a position on this.

Chairman Ehm stated that he will support the motion but is strongly inclined to support the DNR recommendations when it comes back before the Commission. He added that he feels comments should be heard on both versions.

Chairman Ehm requested a roll call vote on Commissioner Mohr's motion to take both versions to public hearing. "Aye" vote was cast by Commissioners Venner, King, McWilliams, Mohr, Priebe, and Ehm. "Nay" vote was cast by Commissioners Townsend, Giannetto, and Murphy. Motion carried on a vote of 6-Aye to 3-Nay.

APPROVED TWO RULE VERSIONS TO GO TO PUBLIC HEARING

PETITION FOR DECLARATORY RULING--RICHARD A. GIRRES

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

Richard A Girres requests a Declaratory Ruling regarding a decision of the department to not review an application for a construction permit. The Petition also constituted a Notice of Appeal. The department has issued the attached Refusal to Rule, for the reasons stated therein. Pursuant to rule 561 IAC 6.4, since the issues are within your rulemaking authority, the refusal is final unless appealed to the commission, or it is reviewed on your own motion. This item is similar to proposed contested case decisions, in that the commission can take no action, and review the matter only if it is appealed, or you can move to review it on your own motion. On appeal or review, the commission may:

1. Approve the director's ruling, in which case the ruling becomes the final declaratory ruling of the department, or
2. Reverse or modify the declaratory ruling, in which case the modified ruling becomes the final declaratory ruling of the department, or
3. Request additional information from the petitioner, or
4. Decline to issue a ruling, as specified in rule 6.5(17A).

Mr. Murphy briefed the Commission on the history of this case noting that the department has not received an appeal on their Refusal to Rule. He related that staff has had discussion with the attorney for Mr. Girres and are going to continue presentation of the issue through the contested case process. He related that it will come back before the Commission through that process, therefore the Commission does not have to act on it at this time; it was presented for information purposes.

INFORMATIONAL ONLY

LAND APPLICATION BRIEFING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be given a brief presentation on land application of municipal, industrial and agricultural waste materials.

Darrel McAllister, Bureau Chief, Water Quality Bureau, distributed copies of a paper entitled "Summary Comparison of the Municipal Sludge, Industrial Sludge and Animal Manure Requirements." He expanded on each of the different types of sludge and presented details on the following: Government Level of Regulation; Pollutants Regulated; Soil Conditions; Monitoring and Testing; Records and Reporting; Planning Requirements for Land Application; Public Information; and Separation Distances.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Chairman Ehm asked when the Commission will hear back on the Chapter 65, Animal Feeding Operations rules.

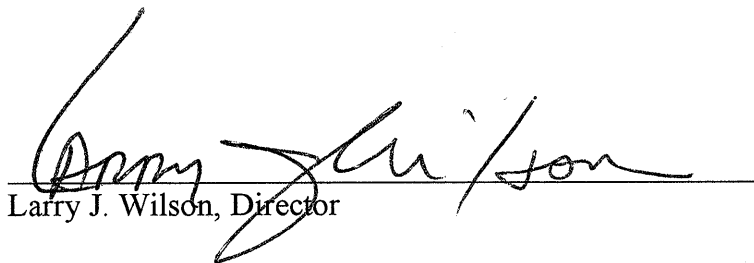
Mr. Stokes stated that it depends on the amount of comments received at the public hearings, but most likely will not be before 120 days.

NEXT MEETING DATES

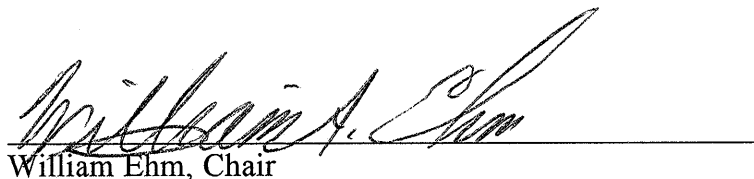
August 18, 1997
September 15, 1997
October 20, 1997

ADJOURNMENT


With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 4:35 p.m., Monday, July 21, 1997.



Larry J. Wilson, Director



William Ehm, Chair



Charlotte Mohr, Secretary

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